

**SUPREME COURT
OF THE
STATE OF CONNECTICUT**

S.C. 20237

**LIME ROCK PARK, LLC
PLAINTIFF-APPELLEE**

V.

**PLANNING AND ZONING COMMISSION
OF THE TOWN OF SALISBURY
DEFENDANT-APPELLEE**

and

**LIME ROCK CITIZENS COUNCIL, LLC
INTERVENING DEFENDANT-APPELLANT**

APPENDIX OF THE PLAINTIFF-APPELLEE LIME ROCK PARK, LLC

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**FOR PLAINTIFF-APPELLEE
LIME ROCK PARK, LLC**

PLAINTIFF-APPELLEE APPENDIX

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CUMULATIVE SUPPLEMENT

TO THE

GENERAL STATUTES

REVISION OF 1930



State of Connecticut

JANUARY SESSIONS, 1931, 1933, 1935

HARTFORD, CONN.

Published by the State
1935

LawRef
KFC
3630
1930
A24
Suppl.
1931/1935
E

Sec. 898c. Motor vehicle races; approved by commissioner 1935
of state police. (a) No person shall operate a motor vehicle in
any race or speed contest, open to the public and to which an ad-
mission fee is charged, unless the commissioner of state police
shall have issued a certificate approving such race or contest.
Such certificate of approval shall not be issued until the com-
missioner of state police shall be satisfied that the condition and
location of the track, and the equipment, experience and skill
of the participants, are such that the safety of the public will not
be jeopardized, and that the participants will not be subject to
unnecessary or unusual danger, by the conduct of such race or
contest. (b) Any person participating in or conducting any race
or speed contest in violation of the provisions of this section shall
be fined not more than two hundred dollars or imprisoned not
more than six months or both.

Sec. 899c. County sealers of weights and measures. The S. 2333
county commissioners of each county shall, on November 1, 1935, 1931
and quadrennially thereafter, appoint a county sealer of weights
and measures, who shall hold office for the term of four years from
said date and until his successor shall be appointed and shall have
qualified. Said county sealer shall keep a complete record of all
of his official acts and shall make an annual report to the county
commissioners, and, on or before November first in each year,
shall make a report, duly sworn to, to the state commissioner of
weights and measures, on blanks to be furnished by the commis-
sioner. The portion of section 2833 inconsistent with the pro-
visions of this section is repealed.

TITLE XXIV.

LABOR AND FACTORY INSPECTION.

CHAPTER 128.

Department of Labor and Factory Inspection.

Sec. 900c. Federal aid for employment offices. The state 1933
of Connecticut accepts the benefits of an act of the congress of
the United States entitled "An Act to Provide for the Establish-
ment of a National Employment System and for cooperation
with the states in the promotion of such system and for other

CHAPTER 23

AN ACT CONCERNING MOTOR VEHICLE RACING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. No person shall operate a motor vehicle in any race, contest or demonstration of speed or skill with a motor vehicle as a public exhibition until a permit for such race or exhibition has been obtained from the commissioner of state police.

SEC. 2. Any person desiring to manage, operate or conduct such a motor vehicle race or exhibition shall make application in writing to said commissioner of state police at least ten days prior to the race or exhibition and such application shall set forth in detail the time of such proposed race or exhibition, together with a description of the kind and number of motor vehicles to be used and such further information

as said commissioner may require. Such application shall be accompanied by a fee of ten dollars and the commissioner of state police, upon receipt of such application and fee, shall cause an inquiry to be made concerning the condition of the race track or place of exhibition and all of the appurtenances thereto and, if he shall find no unusual hazard to participants in such race or exhibition or to persons attending such race or exhibition, he may issue a permit naming a definite date for such race or exhibition, which may be conducted at any reasonable hour on any week day or after the hour of two o'clock in the afternoon of any Sunday, provided no such race or exhibition shall take place contrary to the provisions of any city, borough or town ordinances.

Sec. 3. Any person participating in or conducting any motor vehicle race or exhibition contrary to the provisions of

this act shall be fined not more than two hundred dollars or imprisoned not more than six months or both.

Sec. 4. Section 898c of the 1935 supplement to the general statutes is repealed.

Certified as correct by

Engraving Clerk.

President of the Senate.

Speaker of the House.

Approved _____, 1939.

Governor.

PUBLIC AND SPECIAL ACTS

OF THE

STATE OF CONNECTICUT



PART 1 - PUBLIC ACTS

PART 2 - SPECIAL ACTS

(VOLUME XXXVII)

SEPTEMBER SPECIAL SESSION, 1972

JANUARY SESSION, 1973

CT
KFC
2670
.C6
1973
v.3

VOLUME III

P.A. 73-602 — P.A. 73-682

PART 2 — SPECIAL ACTS

Substitute Senate Bill No. 1504

PUBLIC ACT NO. 73-672

AN ACT CONCERNING THE REGULATION OF MOTOR VEHICLE RACING.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1.. Section 29-143 of the 1971 noncumulative supplement to the general statutes is repealed and the following is substituted in lieu thereof: No person shall operate a motor vehicle in any race, contest or demonstration of speed or skill with a motor vehicle as a public exhibition until a permit for such race or exhibition has been obtained from the commissioner of [state police] MOTOR VEHICLES. Any person desiring to manage, operate or conduct such a motor vehicle race or exhibition shall make application in writing to said commissioner at least ten days prior to the race or exhibition and such application shall set forth in detail the time of such proposed race or exhibition, together with a description of the kind and number of motor vehicles to be used and such further information as said commissioner may require. Such application shall be accompanied by a fee of thirty-five dollars and the commissioner of [state police] MOTOR VEHICLES, upon receipt of such application and fee, shall cause an inquiry to be made concerning the condition of the race track or place of exhibition and all of the appurtenances thereto and, if he finds no unusual hazard to participants in such race or exhibition or to persons attending such race or exhibition, he may issue a permit naming a definite date for such race or exhibition, which may be conducted at any reasonable hour of any week day or after the hour of two o'clock in the afternoon of any Sunday, provided no such race or exhibition shall take place contrary to the provisions of any city, borough or town ordinances. The commissioner may make regulations as to the conditions under which each such race or exhibition may be conducted, including requirements as to types of tires suitable for safe use, the age and physical condition of the participating operators, the number and qualifications of attending personnel, the provision of first-aid and medical supplies and equipment, including ambulances, and the attendance of doctors or other persons qualified to give emergency medical aid, police and fire protection, and such other requirements as will

eliminate any unusual hazard to participants in such race or exhibition or to the spectators. If weather or track conditions are such as to make such race or exhibition unusually hazardous, the commissioner or [state police officer] OTHER PERSON designated by him may cancel or postpone the same or may require the use of tires of a type approved by him. No person shall conduct or participate in any motor vehicle race or contest or demonstration of speed or skill in any motor vehicle on the ice of any body of water. The provisions of this section shall not apply to a motor vehicle with a motor of no more than three horsepower. Preliminary preparations and practice runs, performed after eleven o'clock in the forenoon, on the date designated in the permit and prior to cancellation or postponement, shall not be construed to constitute a race or exhibition within the meaning of this section. No preliminary preparations or practice runs shall be performed before twelve o'clock noon on Sunday.

Sec. 2. This act shall take effect from its passage.

Approved June 27, 1973

Substitute Senate Bill No. 223

PUBLIC ACT NO. 75-402

AN ACT CONCERNING GROUP LIFE INSURANCE POLICIES.

(NEW) Any individual, partnership, corporation, or unincorporated association providing group life, hospital or medical insurance coverage for its employees shall furnish each insured employee, upon cancellation of such life, hospital or medical insurance, notice of the cancellation of such insurance. Such notice shall be mailed or delivered to the insured employee not less than fifteen days next preceding the effective date of cancellation. This act shall apply to any such individual, partnership, corporation or unincorporated association which substitutes one policy providing such group life, hospital or medical insurance coverage for another such policy with no interruption in coverage.

Senate Bill No. 1507

PUBLIC ACT NO. 75-403

AN ACT PROVIDING ADMINISTRATIVE APPEALS TO ORDERS ISSUED BY THE COMMISSIONER OF ENVIRONMENTAL PROTECTION WITH RESPECT TO SOLID WASTE.

Section 1. (NEW) Each order issued under section 19-524b or section 22a-6 of the general statutes concerning the operation of any solid waste facility shall be sent by certified mail, return receipt requested, to the subject of such order and shall be deemed issued upon deposit in the mail. Any person aggrieved by any such order may, within thirty days from the date of issuance, request a hearing before the commissioner, which request shall be a condition precedent to any appeal by such person. Such hearing shall be conducted in accordance with chapter 54 of the general statutes and applicable regulations of the commissioner. The commissioner shall consider all supporting and rebutting evidence presented relating to the affirmation, modification or revocation of such order, and shall issue a final decision accordingly. The commissioner may, after the hearing or at any time after the issuance of his order, modify such order by agreement or extend the time schedule therefor if he deems such modification or extension advisable or necessary, and any such modification or extension shall be deemed to be a revision of an existing order and shall not constitute a new order. There shall be no hearing subsequent to or any appeal from any such modification or extension.

Sec. 2. This act shall take effect from its passage.

Approved June 25, 1975

Substitute House Bill No. 8485

PUBLIC ACT NO. 75-404

AN ACT CONCERNING THE MOTOR VEHICLE RACING PERMIT FEE.

Section 1. Subsection (a) of section 14-164a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall operate a motor vehicle in any race, contest or demonstration of speed or skill with a motor vehicle as a public exhibition until a permit for such race or exhibition has been obtained from the

commissioner of motor vehicles. Any person desiring to manage, operate or conduct such a motor vehicle race or exhibition shall make application in writing to said commissioner at least ten days prior to the race or exhibition and such application shall set forth in detail the time of such proposed race or exhibition, together with a description of the kind and number of motor vehicles to be used and such further information as said commissioner may require. Such application shall be accompanied by a fee of [thirty-five] FIFTY dollars and the commissioner of motor vehicles, upon receipt of such application and fee, shall cause an inquiry to be made concerning the condition of the race track or place of exhibition and all of the appurtenances thereto and, if he finds no unusual hazard to participants in such race or exhibition or to persons attending such race or exhibition, he may issue a permit naming a definite date for such race or exhibition, which may be conducted at any reasonable hour of any week day or after [the hour of two] TWELVE o'clock [in the afternoon of] NOON ON any Sunday, provided no such race or exhibition shall take place contrary to the provisions of any city, borough or town ordinances. The commissioner may make regulations as to the conditions under which each such race or exhibition may be conducted, including requirements as to types of tires suitable for safe use, the age and physical condition of the participating operators, the number and qualifications of attending personnel, the provision of first-aid and medical supplies and equipment, including ambulances, and the attendance of doctors or other persons qualified to give emergency medical aid, police and fire protection, and such other requirements as will eliminate any unusual hazard to participants in such race or exhibition or to the spectators. If weather or track conditions are such as to make such race or exhibition unusually hazardous, the commissioner or other person designated by him may cancel or postpone the same or may require the use of tires of a type approved by him. No person shall conduct or participate in any motor vehicle race or contest or demonstration of speed or skill in any motor vehicle on the ice of any body of water. The provisions of this section shall not apply to a motor vehicle with a motor of no more than three horsepower. Preliminary preparations and practice runs, performed after eleven o'clock in the forenoon, on the date designated in the permit and prior to cancellation or postponement, shall not be construed to constitute a race or exhibition within the meaning of this section. No preliminary preparations or practice runs shall be performed before twelve o'clock noon on Sunday.

Sec. 2. This act shall take effect July 1, 1975.

Substitute House Bill No. 5438

PUBLIC ACT NO. 75-405

AN ACT CONCERNING THE SALE OF WATER COMPANY LANDS.

Section 1. (NEW) There is established a council on water company lands which shall be composed of the commissioner of environmental protection or his designee, the commissioner of health or his designee, the chairman of the public utilities commission or his designee, the director of planning, planning and budget division, department of finance and control or his designee, all of whom shall be ex-officio members with the power to vote and three representatives of the general public to be appointed by the governor of whom one member appointed by the governor shall be upon written recommendation of the south central regional planning agency and one member appointed by the governor shall be upon

Sec. 3. Subsection (a) of section 14-164a of the general statutes is repealed and the following is substituted in lieu thereof:

(a) No person shall operate a motor vehicle in any race, contest or demonstration of speed or skill with a motor vehicle as a public exhibition until a permit for such race or exhibition has been obtained from the Commissioner of Motor Vehicles. Any person desiring to manage, operate or conduct such a motor vehicle race or exhibition shall make application in writing to said commissioner at least ten days prior to the race or exhibition and such application shall set forth in detail the time of such proposed race or exhibition, together with a description of the kind and number of motor vehicles to be used and such further information as said commissioner may require. Such application shall be accompanied by a fee of [fifty dollars. On and after July 1, 1991, such fee shall be one hundred forty-one dollars, and on and after July 1, 1993,] one hundred seventy-seven dollars. The Commissioner of Motor Vehicles, upon receipt of such application and fee, shall cause an inquiry to be made concerning the condition of the race track or place of exhibition and all of the appurtenances thereto and, if he finds no unusual hazard to participants in such race or exhibition or to persons attending such race or exhibition, he may issue a permit naming a definite date for such race or exhibition, which may be conducted at any reasonable hour of any week day or after twelve o'clock noon on any Sunday. [, provided] THE COMMISSIONER, WITH THE APPROVAL OF THE LEGISLATIVE BODY OF THE CITY, BOROUGH OR TOWN IN WHICH THE RACE OR EXHIBITION WILL BE HELD, MAY ISSUE A PERMIT ALLOWING A START TIME PRIOR TO TWELVE O'CLOCK NOON ON ANY SUNDAY, PROVIDED no such race or exhibition shall take place contrary to the provisions of any city, borough or town ordinances. The commissioner may make regulations as to the conditions under which each such race or exhibition may be conducted, including requirements as to types of tires suitable for safe use, the age and physical condition of the participating operators, the number and qualifications of attending personnel, the provision of first-aid and medical supplies and equipment, including ambulances, and the attendance of doctors or other persons qualified to give emergency medical aid, police and fire protection, and such other requirements as will eliminate any unusual hazard to participants in such race or exhibition or to the spectators. No minor under the age of sixteen years may participate in motor cross racing, except that a minor thirteen years of age or older may participate in such racing with the written permission of his parents or legal guardian. If weather or track conditions are such as to make such race or exhibition unusually hazardous, the commissioner or other person designated by him may cancel or postpone the same or may require the use of tires of a type approved by him. No person shall conduct or participate in any motor vehicle race or contest or demonstration of speed or skill in any motor vehicle on the ice of any body of water. The provisions of this section shall not apply to a motor vehicle with a motor of no more than three horsepower or a go-cart type vehicle with a motor of no more than twelve horsepower, when operated on a track of one-eighth of a mile or less in length. Preliminary preparations and practice runs, performed after eleven o'clock in the forenoon, on the date designated in the permit and prior to cancellation or postponement, shall not be construed to constitute a race or exhibition within the meaning of this section. No preliminary preparations or practice runs shall be performed before twelve o'clock noon on Sunday. For the purposes of this subsection, "motor cross racing" means motorcycle racing on a dirt track by participants operating

seating capacity of such motor vehicle is more than seven, there shall be added to the amount herein provided the sum of four dollars for each seat so in excess.

Sec. 10. Subsection (p) of section 14-49 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2004*):

(p) For the registration of a service bus owned by an individual, firm or corporation, exclusive of any nonprofit charitable, religious, educational or community service organization, and used for the transportation of persons without charge, the commissioner shall charge a fee of [one] two hundred dollars for vehicles having a seating capacity of sixteen passengers or less, including the driver, and [three hundred fifty] seven hundred dollars for vehicles having a seating capacity of more than sixteen passengers. For the registration of any service bus owned by any nonprofit charitable, religious, educational or community service organization, the commissioner shall charge a fee of [seventy-five] one hundred fifty dollars for vehicles having a seating capacity of sixteen passengers or less, and [two hundred fifty] five hundred dollars for vehicles having a seating capacity of more than sixteen passengers, provided such service bus is used exclusively for the purpose of transporting persons in relation to the purposes and activities of such organization. Each such registration shall be issued for a biennial period in accordance with a schedule established by the commissioner. Nothing herein contained shall affect the provisions of subsection (e) of this section.

Sec. 11. Section 14-164a of the general statutes, as amended by section 37 of public act 03-3 of the June 30 special session, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) No person shall operate a motor vehicle in any race, contest or demonstration of speed or skill with a motor vehicle as a public exhibition [until a permit for such race or exhibition has been obtained from the Commissioner of Motor Vehicles] except in accordance with the provisions of this section. [Any person desiring to manage, operate or conduct such a motor vehicle race or exhibition shall make application in writing to said commissioner at least ten days prior to the race or exhibition and such application shall set forth in detail the time of such proposed race or exhibition, together with a description of the kind and number of motor vehicles to be used and such further information as said commissioner may require. Such application shall be accompanied by a fee of seventy-five dollars. The Commissioner of Motor Vehicles, upon receipt of such application and fee, shall cause an inquiry to be made concerning the condition of the race track or place of exhibition and all of the appurtenances thereto and, if the commissioner finds no unusual hazard to participants in such race or exhibition or to persons attending such race or exhibition, the commissioner may issue a permit naming a definite date for such] Such race or exhibition [, which] may be conducted at any reasonable hour of any week day or after twelve o'clock noon on any Sunday. The [commissioner, with the approval of the] legislative body of the city, borough or town in which the race or exhibition will be held [,] may issue a permit allowing a start time prior to twelve o'clock noon on any Sunday, provided no such race or exhibition shall take place contrary to the provisions of any city, borough or town ordinances. The [commissioner may make regulations as to the conditions under which each such race or exhibition may be conducted, including requirements as to types of tires suitable for safe use, the age and physical condition of the participating operators, the number

and qualifications of attending personnel, the provision of] person conducting such race or exhibition shall provide for first-aid and medical supplies and equipment, including ambulances, and the attendance of doctors or other persons qualified to give emergency medical aid, police and fire protection, and such other requirements as will eliminate any unusual hazard to participants in such race or exhibition or to the spectators. Each facility where racing is conducted shall contain restricted areas which shall be posted with notice that only persons with the appropriate credentials may be admitted to such restricted areas. Areas of the facility subject to this requirement shall include, but need not be limited to, the pit area and pit lane, track, media area or areas and any other area that is unprotected from participating vehicles. Smoking or carrying a lighted smoking implement shall be prohibited in any area where fuel is stored or transferred.

(b) No minor under the age of sixteen years may participate in motor cross racing, except that a minor thirteen years of age or older may participate in such racing with the written permission of the minor's parents or legal guardian. If weather or track conditions are such as to make such race or exhibition unusually hazardous, [the commissioner or other person designated by the commissioner may] the person conducting such race or exhibition shall cancel or postpone the same or may require the use of tires of a type [approved by the commissioner] manufactured for such adverse conditions. No person shall conduct or participate in any motor vehicle race or contest or demonstration of speed or skill in any motor vehicle on the ice of any body of water. The provisions of this section shall not apply to a motor vehicle with a motor of no more than three horsepower or a go-cart-type vehicle with a motor of no more than twelve horsepower, when operated on a track of one-eighth of a mile or less in length. Preliminary preparations and practice runs, performed after eleven o'clock in the forenoon, on the date designated in the permit and prior to cancellation or postponement, shall not be construed to constitute a race or exhibition within the meaning of this section. No preliminary preparations or practice runs shall be performed before twelve o'clock noon on Sunday. For the purposes of this subsection, "motor cross racing" means motorcycle racing on a dirt track by participants operating motorcycles designed and manufactured exclusively for off-road use and powered by an engine having a capacity of not more than five hundred cubic centimeters piston displacement.

(c) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, concerning mandatory safety equipment for vehicles that participate in any race or exhibition conducted in accordance with the provisions of this section. Such regulations shall require any equipment necessary for the protection of drivers.

~~[(b)]~~ (d) Any person participating in or conducting any motor vehicle race or exhibition contrary to the provisions of this section shall be fined not more than two hundred dollars or imprisoned not more than six months, or both.

Sec. 12. Subdivision (3) of section 14-165 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2004*):

(3) "Identification number" means the vehicle identification number of a motor vehicle, as defined in [subdivision (91) of subsection (a) of] section 14-1, as amended by this act.

SPECIAL ACTS

PASSED BY THE

GENERAL ASSEMBLY

OF THE

State of Connecticut

AT THE

JANUARY SESSION, 1925



HARTFORD
PUBLISHED BY THE STATE
1925

total amount of such annual appropriations for any year shall not exceed the estimated income for that year, nor shall any city or department officer or board of commissioners of said city make any expenditures except for the objects and purposes specified by said board of aldermen, nor shall any city or department officer or board of commissioners of said city incur any liability or expense by contract or otherwise for which said city shall be responsible in excess of the appropriations so made by said board of finance and said board of aldermen. The board of finance, upon the recommendation of the board of aldermen, may make appropriations for public receptions, parades, concerts and celebrations to an amount not exceeding fifteen hundred dollars for any of said purposes in any year. No amount appropriated for any purpose, whether general or special, shall be used or appropriated for any other purpose except the same be authorized by the board of finance.

SEC. 4. Section one hundred and fifteen of said act approved June 20, 1899, is amended to read as follows: Title to all property, legal or equitable, heretofore owned by the New Haven city school district or which may be acquired for school purposes by the city of New Haven is vested in the board of education as trustee for the city of New Haven subject to all of the existing obligations of the New Haven city school district, all of which obligations are hereby imposed on the city of New Haven.

SEC. 5. The provisions of an act amending the charter of the city of New Haven and establishing a teachers' retirement fund, approved July 18, 1911, shall apply to all teachers of the public day schools of the city of New Haven.

Approved, July 13, 1925.

[House Bill No. 341.]

[469.]

AN ACT AUTHORIZING THE TOWN OF WEST HARTFORD TO CREATE ZONING DISTRICTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

SECTION 1. The town council of the town of West Hartford is authorized to regulate the height, number of stories and size of buildings and other structures, the percentage of the area of the lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residence or other purposes, within the limits of said town. Such regulations may provide that a board of appeals may determine and vary their application in harmony with their

discontinue any such violation, shall fail to comply with such order within ten days after such service or who shall continue to violate any provision of the regulations made under authority of the provisions of this act specified in such order shall be subject to a civil penalty of two hundred and fifty dollars, payable to the treasurer of said town.

SEC. 19. Any person who shall fail to comply with any lawful summons of the board of appeals, or to testify before said board when called upon so to do, concerning any matter before said board for hearing or review, shall be fined not more than one hundred dollars or imprisoned not more than thirty days or both.

SEC. 20. If the regulations made under authority of the provisions of this act shall require a greater width or size of yards, courts or other open spaces, or a lower height of building or less number of stories, or a greater percentage of lot area to be left unoccupied, or impose other and higher standards than shall be required in any other statute, ordinance or regulation, the provisions of the regulations made under authority of the provisions of this act shall govern. If the provisions of any other statute, ordinance or regulation shall require a greater width or size of yards, courts or other open spaces or a lower height of building or a less number of stories or a greater percentage of lot area to be left unoccupied or impose other and higher standards than shall be required by the regulations made under the provisions of this act, the provisions of such statute, local ordinance or regulation shall govern.

SEC. 21. The zoning regulations adopted by the zoning commission of West Hartford, March 22, 1924, shall be deemed to have been adopted under the provisions of this act. Such regulations shall remain in effect until they shall have been amended or repealed by the town council, and the board of adjustment created pursuant to the provisions of chapter 279 of the public acts of 1923 shall, until superseded by a board of appeals as herein provided, have all the powers and duties of such a board of appeals, and its orders or decisions shall be subject to review as herein provided.

SEC. 22. The provisions of said chapter 279 shall not apply to the town of West Hartford.

Approved, June 24, 1925.

Connecticut General Statutes Annotated
Title 1. Provisions of General Application
Chapter 1. Construction of Statutes

C.G.S.A. § 1-2z

§ 1-2z. Plain meaning rule

Currentness

The meaning of a statute shall, in the first instance, be ascertained from the text of the statute itself and its relationship to other statutes. If, after examining such text and considering such relationship, the meaning of such text is plain and unambiguous and does not yield absurd or unworkable results, extratextual evidence of the meaning of the statute shall not be considered.

Credits

(2003, P.A. 03-154, § 1.)

Notes of Decisions (55)

C. G. S. A. § 1-2z, CT ST § 1-2z

The statutes and Constitution are current through General Statutes of Connecticut, Revision of 1958, Revised to January 1, 2019.

1925, C. 242,
S. 19

Sec. 431. Controlling requirement in case of variation. If the regulations made under authority of the provisions of this chapter shall require a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or shall impose other and higher standards than shall be required in any other statute, by-law, ordinance or regulation, the provisions of the regulations made under the provisions of this chapter shall govern. If the provisions of any other statute, by-law, ordinance or regulation shall require a greater width or size of yards, courts or other open spaces or a lower height of building or a fewer number of stories or a greater percentage of lot area to be left unoccupied or impose other and higher standards than shall be required by the regulations made under authority of the provisions of this chapter, the provisions of such statute, by-law, ordinance or regulation shall govern.

1925, C. 242,
S. 21

Sec. 432. City of New Haven exempted. The provisions of this chapter shall not apply to the city of New Haven.

CHAPTER 30.

Town Manager.

1918, S. 408

Sec. 433. Towns may appoint. Any town having a board of finance may appoint a town manager, who shall exercise the powers and perform the duties in and for such town which are conferred and imposed by law upon selectmen, except such duties as relate to the making of voters. Such manager shall be limited as to expenditures made and liabilities incurred during the fiscal year to the appropriations made by the board of finance and approved by such town, except in case of actual necessity involving the immediate repair of a highway, bridge or sidewalk, and then such expenditure shall not exceed two hundred dollars. All bills against such town shall be certified by such manager and approved by the board of finance, and, when so certified and approved, shall be paid by the treasurer of the town upon requisition of such manager. Such manager shall give such bond as may be required by the board of finance, with sufficient surety, conditioned upon the faithful discharge of his duties. The premium upon such bond shall be paid by the town. On or before the first day of September in each year, such manager shall file, with the board of finance, an itemized statement of his disbursements and receipts during the preceding fiscal year, with his vouchers therefor and an estimate of disbursements and receipts for the ensuing year. Such account shall be approved by the board of finance and filed with the town treasurer, who shall incorporate the same in his annual report.

See Sec. 421

1918, S. 409

Sec. 434. Appointment and salary of manager. The board of finance shall fix the salary of such manager, which shall be payable in

Ch. 30. Cited. 103 C. 424.

843

Section 8

OFFICE OF THE
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Rural Enterprise Districts

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Uses permitted in Rural Enterprise Districts

8.1.1 Dwellings, customary home occupations and the letting of rooms or furnishing board as permitted by Paragraphs 4.1.1, 4.1.2, 4.1.3 and 4.1.4 hereof.

8.1.2 Agriculture as permitted by Paragraph 6.1.2 hereof.

8.1.3 A fire or police station or other municipal building, a telephone exchange, transformer substation, sewer or water pumping station, or a public park or playground.

Commercial golf courses and commercial greenhouses.

The excavation and removal of sand, gravel, stone, loam, dirt or other natural earth products provided that no screening, sifting, washing, crushing or other forms of processing shall be conducted within 200 feet of any street or property line.

A restaurant, provided it is located on lot containing not less than 1000 square feet of area for each customer which the restaurant is arranged, designed or intended to or does accommodate at any one time, including patrons at counters, tables, or elsewhere. A restaurant as an accessory use may be located on the same lot as a race track permitted under Paragraph 8.1.17 without reference to the foregoing lot area requirement.

Hotels, Motels, Tourist cabin establishments, veterinary hospitals, kennels and riding or boarding stables under the provisions set forth in Paragraph 8.1.1.

Indoor commercial recreation areas as permitted by Paragraphs 7.1.7, and 7.1.8.

Research laboratories, professional and business offices and publishing plants.

Manufacture of optical goods, precision instruments, clocks and watches.

Manufacture, compounding, processing, packaging and bottling of beverages, dairy products, food products, candy, cosmetics, drugs, perfumes, pharmaceuticals, but excluding the rendering or

refining of fats and oils.

8.1.12 The manufacture, assembly or treatment of articles from the following previously prepared materials; cellophane, cork, fiber, glass, hair, horn, leather, paper, plastics, precious metals or stones, shell, textiles, wood, yarns.

8.1.13 Printing, photoengraving and book binding.

8.1.14 Carpentry, woodworking and upholstery manufacture.

8.1.15 Manufacture of paperboard and hardboard.

8.1.16 With the approval of the Zoning Board of Appeals, any use similar to the foregoing uses permitted by this section in its emission of noise, smoke, dust, vibration and generation of traffic.

8.1.17 A track for racing motor vehicles, excluding motor cycles, to which admission may be charged, and for automotive education and research in safety and for performance testing of a scientific nature. Any such motor vehicle race track shall be subject to each of the following requirements of this section.

8.1.17.1 No races shall be conducted on any such track except during such hours as are permitted by Statute.

8.1.17.2 Whenever the land on which a race track is situated abuts or faces a residence zone district, there shall be a minimum fifty foot buffer strip along each yard or part thereof so abutting or facing, which strip shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy, or within one year of the adoption of this amendment to the regulations, whichever is the later date, and shall thereafter be suitably and neatly maintained by the owner and/or his tenant, and/or his or their agent. Any such screen shall consist of at least fifty per cent of evergreens so as to maintain a dense screen at all seasons of the year.

8.1.18 No lot shall have adequate frontage on or access to a principal traffic street or streets capable of handling the volume of traffic to be generated.

access and service roads connecting with the principal traffic street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject to the approval of the selectmen in the case of a Town Road or of the State Highway Commissioner in the case of a State Highway.

17.4 Adequate off street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.

17.5 Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted. Directional signs containing not more than six square feet each are permitted.

No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source nor shall any flashing sign be visible from off the premises. Spot or other lighting of any sign, building, structure, land, track, parking space, or any other part of the premises shall be so arranged that the light source is not visible from a point off the premises.

uses may include grandstands, judges' automobile repair pits, rest rooms, lunch stands. Accessory uses may also include the premises for automobile shows and for the sale of motor vehicles, auto- and accessories and fuels, for manufacturing automotive repair incident to the other uses permitted. Other accessory uses include production of television, motion picture programs and the use of necessary sound equipment therefor.

Exhibit 16-839

839

OFFICE OF SALISBURY

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186

Zoning Regulations

**Town of Salisbury, Connecticut
Planning and Zoning Commission**

Zoning Regulations

ADOPTED JUNE 8, 1959

First Revision May 12, 1967

Second Revision March 11, 1974

Third Revision August 27, 1976

Fourth Revision June 22, 1979

Fifth Revision February 21, 1980

Sixth Revision February 23, 1981

SEVENTH REVISION MARCH 11, 1982

EIGHTH REVISION JULY 25, 1983

NINETH REVISION JULY 1, 1985

ARTICLE IV - COMMERCIAL AND INDUSTRIAL ZONING DISTRICT REGULATIONS

Sec. 410. Rural Enterprise (RE) District. The following regulations and the general regulations contained in Article II shall apply in the Rural Enterprise (RE) District.

411 Permitted Uses

- 411.1 One family dwellings.
- 411.2 Dwellings for more than one family, provided the lot size conforms to applicable requirements of minimum lot area per family dwelling unit.
- 411.3 Customary home occupations including professional or commercial offices and home industries and service occupations carried on by a resident of the premises with not more than three employees not resident on the premises, provided that such use is secondary to the use of the premises for dwelling purposes, and does not change the residential character thereof; and provided that no noise created by such home occupation is audible off the lot on which it is situated.
- 411.4 The letting of rooms or furnishing board in a dwelling by one or more of the residents of the dwelling to a total of not more than six persons, in addition to the family.
- 411.5 Agriculture, farming, forestry, truck or nursery gardening, including greenhouses incidental thereto. A cold storage plant may be located on a farm containing not less than 10 acres, provided that it is used for storage of local produce and supplies used on local farms and residences only. This paragraph shall not permit the commercial raising of fur-bearing animals other than rabbits. Permitted uses under this paragraph may include the maintenance, repair, manufacture and storage of equipment, implements, machinery, and vehicles used

411.5 Continued

in connection with an agricultural or forestry operation on the same premises or on premises under the same occupancy and may include a stand for the sale of farm and garden produce raised on the premises provided that it is located at least 20 feet from the street line to provide off-street parking. Forestry may include the cutting, sawing, and storage of timber, providing that no permanent saw mill may be located on a lot containing less than five acres nor within 150 feet from any highway or 500 feet of any residence except a residence on the same premises and provided that no portable saw mill may be set up within 200 feet from any dwelling nor within 150 feet from any public highway.

411.6 A fire or police station or other municipal building, a telephone exchange, transformer substation, sewer or water pumping station, or a public park or playground.

411.7 Commercial golf courses and commercial greenhouses.

412 Special Permit Uses. The following uses described in Sections 413 to 415.6 inclusive, may be permitted by the Planning and Zoning Commission after a public hearing, subject to the provisions of Section 240 and 241, excluding Section 242, General Special Permit Uses and Requirements in All Zones, and the following conditions and safeguards.

413 Commercial Earth Products Removal. Except as provided in Section 252, a special permit is required for the excavation and removal of sand, gravel, stone, loam, dirt, topsoil, clay or other natural earth products, or for screening, sifting, washing, crushing or any other form of processing any of the foregoing natural products, or for the deposit of fill or change of the present natural contour or grade of land in excess of the removal or deposit

413 Continued

of 250 cubic yards of material or more and provided that all of the provisions of Section 252.2 to 252.7 inclusive, are found to exist or will be complied with. The Commission shall also consider the ecological factors and the impact of the proposed use and may seek the advice of the Salisbury Conservation Commission.

- 414.1 A restaurant, provided it is located on lot containing not less than 1,000 square feet of area for each customer which the restaurant is arranged, designed or intended to or does accommodate at any one time, including patrons at counters, tables, or elsewhere. A restaurant as an accessory use may be located on the same lot as a race track permitted under Section 415 without reference to the foregoing lot area requirement.
- 414.2 Hotels, motels, tourist cabin establishments, veterinary hospitals, kennels and riding or boarding stables. When specifically approved, after a public hearing, by the Planning and Zoning Commission as conditional uses and subject to such conditions as said Commission may establish, giving consideration to the effect of the proposed use on present and future dwellings in the vicinity, to the proposed site planning and planning and landscaping, to the conditions affecting traffic safety, to the provisions for off-street parking, water supply and sewage disposal and to other standards provided in these regulations.
- 414.2a Commercial kennels and veterinary hospitals, provided that they are located on lots of not less than three acres and that no dogs therein are kept in any building or enclosure within 150 feet of any property line.
- 414.2b Livery, boarding or riding stables provided that they are located on lots of not less than three acres.
- 414.2c A hotel, provided that the lot area is not less than five acres, and is equivalent to not less than 4,000 square feet for each guest sleeping accommodation and

414.2c Continued

provided that the front, side and rear yards shall be not less than 100 feet in depth or width.

414.2d A motel or tourist cabin establishment consisting of not less than four units, provided that the lot area is not less than two acres and is equivalent to not less than 4,000 square feet for each guest's sleeping accommodation, and provided that the front, side and rear yards shall be not less than 100 feet in depth or width.

414.3 Outdoor skating rinks, ski areas, golf driving ranges, commercial picnic areas, and similar places of outdoor commercial recreation.

414.4 Commercial beaches and swimming pools.

414.5 Research laboratories, professional and business offices and publishing plants.

414.6 The manufacture of optical goods, precision instruments, clocks and watches.

414.7 The manufacture, compounding, processing, packaging or treatment of beverages, dairy products, food other than meats, candy, cosmetics, drugs, perfumes, pharmaceuticals, but excluding the rendering or refining of fats and oils.

414.8 The manufacture, assembly or treatment of articles from the following previously prepared materials: cellophane, cork, fiber, glass, hair, horn, leather, paper, plastics, precious metals, or stones, shell, textiles, wood, yarns.

414.9 Printing, photoengraving and book binding.

414.10 Carpentry, woodworking and upholstery manufacture.

414.11 Manufacture of paperboard and hardboard.

415. A track for racing motor vehicles, excluding motorcycles to which admission may be charged, and for automotive education and research in safety and for performance testing of a scientific nature. Any such motor vehicle race track shall be subject to each of the following requirements of this section.
- 415.1 No races shall be conducted on any such track except during such hours as are permitted by Court Order dated 5/12/59.
- 415.2 Wherever the land on which a race track is situated abuts or faces a residence zone district, there shall be a minimum fifty foot buffer strip along each yard or part thereof so abutting or facing, which strip shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy, or within one year of the adoption of this amendment to the regulations, whichever is the later date, and shall thereafter be suitably and neatly maintained by the owner and/or his tenant, and/or his or their agent. Any such screen shall consist of at least fifty percent of evergreens so as to maintain a dense screen at all seasons of the year.
- 415.3 The lot shall have adequate frontage on or access to a principal traffic street or streets capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal traffic street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject to the approval of the selectmen in the case of a Town Road or of the State Highway Commissioner in the case of a State Highway.

- 415.4 Adequate off-street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.
- 415.5 Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted. Directional signs containing not more than six square feet each are permitted.
- 415.6 No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source nor shall any flashing sign be visible from off the premises. Spot or other lighting of any sign, building, structure, land, track, parking space, or any other part of the premises shall be so arranged that the light source is not visible from a point off the premises.
- 416 Accessory uses may include grandstands, judges' stands, automobile repair pits, rest rooms, lunch counters or stands. Accessory uses may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incident to the other activities herein permitted. Other accessory uses may include the production of television, motion picture or radio programs and the use of necessary lighting and sound equipment therefor.
- 417 Required Lot Area, Width, Yards, Coverage, Height

Minimum Lot Area	80,000 sq. ft.
Minimum Lot Width	200 ft.
Minimum Lot Area Per Family Dwelling Unit	40,000 sq. ft.
Front Yard	100 ft.
Side Yards (Each)	50 ft.
Rear Yard	50 ft.
Maximum Building Coverage	10 %
Maximum Building Height	30 ft.

418 For uses permitted under Sections 414.5 to 414.11, inclusive, the minimum lot area shall be 20 acres.

419 A buffer strip not less than 50 feet wide shall be maintained on each lot occupied by a use permitted by Section 414.5 to 414.11, inclusive, where such lot adjoins a lot occupied by a dwelling or a lot in a subdivision intended for residential use. Such buffer strip shall contain a screen of shrubbery to be maintained and consist of at least fifty per cent of evergreens as provided in Section 415.2.

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TOWN OFFICE SALISBURY

**ZONING REGULATIONS
OF THE
TOWN OF SALISBURY, CONNECTICUT**

SALISBURY PLANNING AND ZONING COMMISSION

ORIGINAL EFFECTIVE DATE — JUNE 8, 1959

EFFECTIVE DATE OF COMPREHENSIVE REVISION — JANUARY 2004

- 721.3 Off street parking areas shall be designed to provide for the largest camp function. No parking shall be permitted within 100 feet of a property line or public STREET.
- 721.4 The minimum setback of any BUILDING or STRUCTURE from any lot line shall be 200 feet. However, the Planning and Zoning Commission may require additional setback considering the use of the BUILDING, traffic, noise and visibility and the potential impact on surrounding land uses.
- 721.5 There shall be one main entrance, with at least one additional entrance for emergency use.
- 721.6 The Commission may require a Landscape Plan in accord with the requirements of Article V in locations where it determines that a landscape screen is needed to preserve and protect the rural character of the surrounding land uses.
- 722 TRACK FOR RACING MOTOR VEHICLES**
A track for racing motor vehicles excluding motorcycles to which admission may be charged, and for automotive education and research in safety and for performance testing of a scientific nature may be permitted subject to the general standards and requirements of this Article and the following specific standards and requirements.
- 722.1 No races shall be conducted on any such track except during such hours as permitted by Court Order dated 5/12/59.
- 722.2 Wherever the land on which a race track is situated abuts or faces a residential zone district, there shall be minimum of fifty foot buffer strip along each YARD or part thereof so abutting or facing, which shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy, or within one year of the adoption of this amendment to the Regulations whichever is the latter date, and shall thereafter be suitably and neatly maintained by the owner and/or his tenant, and/or his or their agent. Any such screen shall consist of at least fifty percent evergreens so as to maintain a dense screen at all seasons of the year.
- 722.3 The lot shall have adequate FRONTAGE on or access to a principal traffic STREET or STREET capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal traffic STREET or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across STREET or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject to the approval to the Selectmen for a Town road or the Conn. Dept. of Transportation for a State highway.
- 722.4 Adequate off street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.
- 722.5 Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted. Directional signs containing not more than six square feet each are permitted.
- 722.6 No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source nor shall any flashing sign be visible from off the premises. Spot or other lighting or any sign, BUILDING, STRUCTURE, land track, parking space, or any other part of the premises shall be so arranged that the light source is not visible from any point off the premises.
- 722.7 **ACCESSORY USES** may include grandstands, judges' stands, automobile repair pits, rest rooms, lunch counters or stands. **ACCESSORY USES** may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incident to the other activities herein permitted. Other **ACCESSORY USES** may include the production of television, motion picture or radio programs and related lighting and sound equipment.

412 — TABLE OF USES PERMITTED BY RIGHT AND SPECIAL PERMIT

USE	RESIDENTIAL ZONES								COMMERCIAL AND INDUSTRIAL ZONES			
	R 10	R 20	RR 1	RR 1V	RR 3	MR	LA	RE	C 20	CG 20	LI 1	LI 20
F. RETAIL SALES AND SERVICES (Continued)												
9 Auto Sales, Service, Repair, Filling Station and/or Car Wash (724)										S	S	
10 Laundry & Cleaning Establishment									S	S	S	S
11. Commercial Parking Area								P	P	P		S
G. RECREATIONAL AND ENTERTAINMENT	R 10	R 20	RR 1	RR 1V	RR 3	MR	LA	RE	C 20	CG 20	LI 1	LI 20
1. Public Park or Playground	P	P	P	P	P	P	P	P	P	P	P	P
2. Indoor Tennis, Racquetball or Squash Facility								S	S	S		
3. Exercise Center									P	P		S
4. Establishments for instruction in the Fine Arts or Performing Arts			S	S	S			SP	P	P		S
5. Indoor Theater (Stage or Film)									P	P		
6. Commercial or Non Profit Cross Country Ski Area (720)			S	S	S	S	S					
7. Outdoor Commercial Limited to Skating Rink, Ski Area, Golf Driving Range, Picnic Area, Tennis, Beach and Swimming Areas								S				
8. Commercial Golf Course								P				
9. Outdoor recreation uses operated by a non-profit organization limited to Golf Course, Tennis Club, Riding			S	S	S	S		S				

P = Permitted Use by right subject to submission of a Site Plan according to Article VI

S = Special Permit subject to the general and specific standards in Article VII

(123) = Use is subject to specific standards and requirements in this section number

Blank = Not Permitted X = No Zoning Permit Required T = Temporary Use

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**ZONING
REGULATIONS
OF THE
TOWN OF SALISBURY,
CONNECTICUT**

SALISBURY PLANNING AND ZONING COMMISSION

ZONING REGULATIONS

Adopted June 8, 1959

First Revision May 12, 1967

Second Revision March 11, 1974

Third Revision July 14, 1975

Fourth Revision August 27, 1976

Fifth Revision June 22, 1979

Sixth Revision February 21, 1980

Seventh Revision February 23, 1981

Eighth Revision March 11, 1982

Ninth Revision July 25, 1983

Tenth Revision July 1, 1985

Eleventh Revision January 1, 1987

Twelfth Revision April 20, 1987

Thirteenth Revision June 24, 1988

Fourteenth Revision September 22, 1988

Fifteenth Revision January 1, 1994

Sixteenth Revision November 1998

Seventeenth Revision July 2003

Eighteenth Revision September 4, 2007

Nineteenth Revision September 18, 2007

Twentieth Revision March 18, 2008

722

TRACKS FOR RACING MOTOR VEHICLES

A track for racing motor vehicles excluding motorcycles to which admission may be charged and for automotive education and research in safety and for performance testing of a scientific nature may be permitted subject to the general standards and requirements of this Article and the following specific standards and requirements.

722.1

No races shall be conducted on any such track except during such hours as permitted by Court Order dated 5/12/59.

722.2

Wherever the land on which a race track is situated abuts or faces a residential zone district, there shall be minimum of fifty foot buffer strips along each yard or part thereof so abutting or facing, which shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy or within one year of the adoption of this amendment to the regulations whichever is the latter date and shall thereafter be suitable and neatly maintained by the owner and/or his tenant and/or his or their agent. Any such screen shall consist of at least fifty percent evergreens so as to maintain a dense screen at all seasons of the year.

722.3

The lot shall have adequate frontage on or access to a principal traffic street or street capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal Traffic Street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject the approval to the Selectmen for a Town road or the Connecticut Department of Transportation for a State highway.

722.4

Adequate off-street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.

722.5

Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted directional signs containing not more than six square feet each are permitted.

722.6

No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source not shall any flashing sign be visible from off the premises. Spot or other lighting or any sign, building, structure, land track, parking space or any other part of the premises shall be so arranged that the light source is not visible from any point off the premises.

722.7

ACCESSORY USES may include grandstands, judges' stands, automobile repair pits, rest rooms, lunch counters or stands. Accessory uses may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incident to the other activities herein permitted. Other accessory uses may include the production of television, motion picture or radio programs and related lighting and sound equipment.

723

CONTRACTORS' EQUIPMENT STORAGE

723.1

Contractors' equipment storage for vehicles, equipment, materials and/or supplies may be permitted by Special Permit in the RR-1, RE and RR-3 zones, subject to all of the standards, conditions, requirements of this section and those applicable in the zoning district in which the Special Permit use is to be located, as the same may be amended from time to time. Contractors' equipment storage and sales of contractors' equipment may be permitted by Special Permit in the CQ-20 zone subject to all of the following standards except 723.4d and 723.4k.

Permits for such storage may be issued for periods not exceeding two years and may be renewed, without re-application, at the request of the permit holder, if, upon inspection the Commission finds that the character of the surrounding area has not been adversely affected, the storage is not detrimental to the public health, safety and general welfare and is being conducted in compliance with the provisions of these regulations. Such Special Permit may be issued for storage sites meeting the following conditions and safeguards.

412 - TABLE OF USES PERMITTED BY RIGHT AND SPECIAL PERMIT

USE	RESIDENTIAL ZONES								COMMERCIAL AND INDUSTRIAL ZONES			
	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
G. Recreational and Entertainment												
5. Commercial or Non Profit Cross Country Ski Area (720)			S	S	S	S	S					
6. Outdoor Commercial Limited to skating rink, ski area, golf driving range, picnic area, tennis, beach and swimming area								S				
7. Commercial Golf Course								P				
8. Outdoor recreation uses operated by a non-profit organization limited to Golf Course, tennis Club and riding			S	S	S	S		S				
9. Library, Museum or Auditorium operated by a non-profit organization	S	S	S	S	S	S	S		S	S	S	S
10. Fraternal Club or Lodge	S	S	S	S	S	S	S		S	S	S	S
11. Boarding Camp-Min. Lot 100 ac. (721)			S	S	S	S						
12. Track for Racing Motor Vehicles (722)								S				
13. Carnival, Fair, Circus, Show, Athletic Meet or Similar Event by a local Church, School, Civic Assoc., Special Club, Vol. Fire Dept./other Non-Profit Organization (412)	T	T	T	T	T	T	T	T	T	T	T	T
H. Industrial and Research	R-10	R-20	RR1	RR1V	RR3	MR	LA	RE	C-20	CG-20	LI-1	LI-20
1. Manufacture and Assembly of parts for products								S			S	S
2. Processing of Dairy Products								S			S	S
3. Carpentry & Woodworking								S	S	S	S	S
4. Newspaper Printing, Job Printing, Photoengraving, Book Binding and Publishing Plant (Min. Lot 20 Acres + buffer)								S*	S	S	S	S
5. Research Lab.								S			S	S
6. Contractor's Equipment Storage (723)			S		S			S		S		
7. Sales of Contractor Equipment (723)										S		
8. Lumber/Building Material Storage and Sales										S	S	
<p>P = Permitted use by right to submission of a Site Plan according to Article VI S = Special Permit subject to the general and specific standards in Article VII (123) = Use is subject to specific standards and requirements in this section number Blank = Not Permitted X = No Zoning Permit Required T = Temporary Use</p>												

**ZONING REGULATIONS
Town of Salisbury
Connecticut**

Planning and Zoning Commission

May 2013

215 Short-Term Event - Carnival, Fair, Circus, Show, Athletic Meet or Similar Event

- a. An event held by a local church, school, civic association, special club volunteer fire department or other non-profit organizations shall NOT require a zoning permit provided the length of the event does not exceed ten (10) days.
- b. An event which is held for more than ten (10) days shall require a zoning permit, subject to the approval of the Commission.

216 Studios/Performing Arts

The following uses are permitted in the C20, CG20 Zones with submission of a Site Plan, prepared according to the requirements described in Article VII.

- Exercise and Dance Studios
- Musical Theater
- Theatrical Instruction
- Indoor Theater (stage or film)

217 Recreational Facilities

- a. Indoor Tennis, Racquetball or Squash Facilities are permitted in the C20, CG20 and RE Zones with submission of a Site Plan, prepared according to the requirements described in Article VII.
- b. Public Park or Playground is permitted in all Zones with the submission of a Site Plane, prepared according to the requirements described in Article VII.

218 Non-Profit Organizations (See also 212.3)

- a. A Library, Museum or Auditorium sponsored by a Non-Profit Organization is allowed by Special Permit only in all Zones, except the RE Zone.
- b. A Fraternal Club or Lodge sponsored by a Non-Profit Organization is allowed by Special Permit only in all Zones, except the RE Zone.
- c. A Golf course, tennis club or riding club, sponsored by a Non-Profit Organization is allowed by Special Permit only in the RR1, RR1-V, RR3, MR and RE Zones.

219 Rural Enterprise Zone (RE) – Purpose

The purpose of this zone is to provide for a mixture of uses – residential, recreational, commercial and other in a location removed from the village center in a manner compatible with the soils and topography limitations of the district subject to requirements designed to protect the neighboring residential property values.

220 Uses Permitted in Rural Enterprise Zone

The uses permitted in the RE Rural Enterprise Zone are as listed under the RE Column, Table of Uses Permitted in Rural Enterprise, Commercial and Industrial Zones.

Salisbury Planning and Zoning Regulations - 2013**220.1 Accessory Uses, Buildings and Structures (See Section 207).**

- a. An accessory apartment in Single Family Dwelling or in an Accessory Building is subject to the same requirements as in a Residential Zone (see 208.1).
- b. Outdoor Wood-Burning Furnace as a Special Permit subject to the requirements of Article X.

220.2 Commercial Golf Course is permitted in the RE Zone only, with submission of a Site Plan, prepared according to the requirements described in Article VII.**220.3 Commercial Recreational Uses**

The following uses are allowed by Special Permit in the RE Zone only: Outdoor commercial skating rink; ski area; golf driving range; picnic area; tennis court; beach and swimming area.

221 Additional Requirements for Uses in RE Zone

The uses listed under the RE Column in the Table of Uses Permitted in Rural Enterprise, Commercial and Industrial Zones which are also allowed in residential, commercial or industrial zones shall be subject to the same additional requirements for these zones and the following.

221.2 Track for Racing Motor Vehicles

A track for racing motor vehicles (excluding motorcycles) to which admission may be charged and for automotive education and research in safety and for performance testing of a scientific nature may be permitted subject to the following:

- a. No races shall be conducted on any such track except during such hours as permitted by Court Order dated 5/12/59 and subsequent related Court Orders on file in the Planning and Zoning Office, or the Town Clerk's Office.
- b. Where the land on which a race track is situated abuts or faces a residential zone district, there shall be a minimum of fifty foot buffer strips along each yard , or part thereof, so abutting or facing, which shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height within one year of the adoption of this amendment to the regulations. This screen shall thereafter be suitably and neatly maintained by the owner, tenant and/or their agent. Any such screen shall consist of at least fifty percent evergreens so as to maintain a dense screen at all seasons of the year.
- c. The lot shall have adequate frontage on or access to a principal traffic street or street capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal traffic street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject to the approval of the Selectmen for a town road or the Connecticut Department of Transportation for a state highway.
- d. Adequate off-street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.
- e. Not more than three signs, not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted. Directional signs, not more than six square feet each, are permitted.
- f. No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source, nor shall any flashing sign be visible from off the

Salisbury Planning and Zoning Regulations - 2013

premises. Spot or other lighting of any sign, building, structure, land track, parking space or any other part of the premises shall be so arranged that the light source is not visible from any point off the premises.

g. ACCESSORY USES may include grandstands, judges' stands, automobile repair pits, rest rooms, lunch counters or stands. Accessory uses may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incidental to the other activities herein permitted. Other accessory uses may include the production of television, motion picture or radio programs with their related lighting and sound equipment.

222 Commercial and Industrial Zones - Purposes**222.1 Village Center Commercial Zones (C-20, CG-20)**

The primary purpose of these zones is to provide centralized, compact areas for local and area retail, office, business and specialized uses and services and associated parking, pedestrian circulation and landscaping. The requirements for these districts are aimed at maintaining the historic rural New England character of the Salisbury and Lakeville village centers.

222.2 Industrial Zones (LI-1)

The purpose of this zone is to provide appropriate locations for offices, manufacturing, warehousing and research uses in existing industrial areas along major highways where major utilities are available.

223 Uses Permitted in Commercial and Industrial Zones

The uses permitted in the Commercial and Industrial Zones are as listed under the C-20, CG-20 and LI-1 zone columns in 205.2 – Table of Uses Permitted in Rural Enterprise, Commercial and Industrial Zones.

224 Additional Requirements for Uses in Commercial and Industrial Zones

The uses listed below shall meet the following requirements in addition to the general standards and requirements for Zoning Permits, Site Plans or Special Permits.

224.1 Accessory Uses, Buildings and Structures (See Section 207).

a. Apartment in Single Family Dwelling or in Accessory Structure subject to same requirements as Residential Zone. (See 208).

b. Outdoor Wood-Burning Furnace as a Special Permit in the LI-1 zone subject to the requirements in Article X.

224.2 Auto Sales, Service, Repair, Filling Station and/or Car Wash

a. A car wash may be permitted only in connection with and on the same lot with one or more of the following uses: auto sales, service, repair or filling station.

b. The Site Plan shall provide detailed plans for vehicle and pedestrian access and circulation; location, size and dimensions for each exterior sign and lighting fixture. A rendering shall be provided for each proposed sign and lighting fixture. No vending machine or display goods or equipment shall be permitted outside the building.

DOCKET NO. LLI-CV-15-6013033-S	:	SUPERIOR COURT
	:	
LIME ROCK PARK, LLC	:	JUDICIAL DISTRICT
	:	OF LITCHFIELD
	:	
v.	:	
	:	
PLANNING & ZONING COMMISSION	:	
OF THE TOWN OF SALISBURY, ET AL.	:	OCTOBER 6, 2017

COMPLIANCE WITH COURT ORDER #435704 (DOCKET ENTRY 159.00)

In response to the court's order # 435704 (docket entry 159.00), the undersigned represents that all counsel agree that the documents provided herein are responsive to the Court's request. Counsel for Lime Rock Park, LLC has advised the parties that it intends to file a motion regarding additional materials that it believes are responsive and/or relevant to the Court's Order.

REQUEST (1): For exhibits 16-840 and 16-841, the parties must provide the entirety of the section of the regulations pertaining to the RE district, including, but not limited to, all portions of the section in which subsection 722 in each exhibit is located and all maps and charts pertaining thereto.

Response: With respect to Exhibit 16-840 (2004 Zoning Regulations) and 16-841 (2008 Zoning Regulations), the sections of the regulations pertaining to the RE Zoning District are attached at Tab A (16-840) and Tab (B) (16-841). With respect to the court's request for all maps, the only maps associated with the zoning regulations are the pertinent zoning maps. At Tab C, are copies of the zoning maps from 1959, 1967, 1993, and 2007 (current). These maps show that the dimensions of what is now the RE Zoning District have not been altered since the zone was originally mapped (as RUE-80) in 1959.

REQUEST (2): For the Town's zoning regulations issued on 5/12/67, 3/11/74, 7/14/75, 8/27/76, 6/22/79, 2/21/80, 2/23/81, 3/11/82 and 7/25/83, the parties must provide the complete section(s) in which the RE zoning district and the use of the race track are discussed, including, but not limited to all related maps and charts pertaining thereto.

Response: The Planning & Zoning Commission has retained copies of older zoning booklets that were issued periodically over time; however, the Commission did not issue a new booklet each time the zoning regulations were amended. After a diligent search, the following older zoning regulations have been located, and each tab contains the sections of the regulations addressing the RE Zoning District:

Tab D: Zoning Regulations, Revised May 12, 1967;

Tab E: Zoning Regulations, Revised March 11, 1974, with handwriting indicating revisions on August 22, 1976; June 22, 1979; February 21, 1980; and February 23, 1981; and

Tab F: Zoning Regulations, with final revision date July 25, 1983

REQUEST (3): In regard to exhibit 16-839, the parties must provide all documents, including, but not limited to applications, testimony and transcripts that pertain to the amendment to the then-existing regulations that gave rise to section 415.1.

Response: Exhibit 16-839 consists of excerpts from zoning regulations in effect on July 1, 1985. The Planning & Zoning Commission has limited records with respect to zoning amendments adopted in 1985 and earlier, due in part to a fire at Town Hall occurring on August 5, 1985 as well as the fact that state record retention policies in effect at that time did not require the retention of applications, exhibits, tapes of public hearings for more than a few years. The Town has retained minutes of Planning & Zoning Commission meetings, and some other

historical documents relating to the Lime Rock Race Track (the latter of which have been made available to all parties pursuant to a request from the plaintiff in this case under the Freedom of Information Act).

Attached at Tab G are copies of minutes from the Planning & Zoning Commission concerning amendments taking effect on July 1, 1985. None of the amendments adopted in July 1985, however, appear to address the content codified at Section 415.1 in the 1985 regulations. To date, the parties have been unable to locate the minutes of the Planning & Zoning Commission where the language in Section 415.1 was adopted. Attached at Tab H are the excerpts from minutes of the Planning & Zoning Commission and other historical documents referencing the language in Section 415.1.

REQUEST (4): In regard to the Town's zoning regulations issued between January 1, 1987 and the present, with the exclusion of those regulations issued on March 18, 2008, and in 2013, the parties must provide the complete section(s) in which the RE zoning district and the use of the race track are discussed, including, but not limited to all related maps and charts pertaining thereto.

Response: As noted in the previous response, the Planning & Zoning Commission has retained copies of older zoning booklets that were issued periodically over time; however, the Commission did not issue a new booklet each time the zoning regulations were amended. After a diligent search, the following older zoning regulations have been located, and each tab contains the sections of the regulations addressing the RE Zoning District:

Tab I - Zoning Regulations, with final revision date of July 1, 1985;

Tab J - Zoning Regulations, with final typed revision date of September 22, 1988 and final handwritten revision of 11/2/1990; and

Tab K - Zoning Regulations, with final typed revision date of January 1, 1994 and final handwritten revision of 5/23/1997.

The remaining regulations are at Exhibits 16-840 (2004 Regulations), 16-841 (2008 Regulations) and Exhibit 29 (2013 Regulations in effect at the time the appeal was taken).

REQUEST (5): If the appellant or its predecessor in interest has ever applied for a special permit in regard to the operation of a race track at the site in question, the parties must provide all documents pertaining to such an application or applications, including, but not limited to, the application(s), evidence taken by the PZC, and the decision or decisions made concerning said application or applications.

Response: Pursuant to Gen. Stat. Sec. 8-3c(b), a special permit is not effective until notice of the special permit has been filed on the land records of the Town where the property is located. Attached at Tab L are copies of special permits obtained by the plaintiff or its predecessor in title with respect to the Track property that have been filed on the Salisbury Land Records. Also attached at Tab L are minutes regarding an approval of a special permit for a restaurant to serve the race track, which approval does not appear to have been recorded on the land records. With respect to applications, the Planning and Zoning Commission has application materials from the 2014 application only, which are included in the materials at Tab L.

REQUEST (6): The PZC must identify for the court the date on which Exhibits 17 and 18 were first drafted and made available to the appellant:

Response: Exhibits 17 and 18 were drafted between the end of the public hearing (October 19, 2015) and the Commission's deliberation session on November 16, 2015. They were made available to the appellant on November 16, 2015.

**THE DEFENDANT,
PLANNING & ZONING COMMISSION
OF THE TOWN OF SALISBURY**

BY LECLAIRRYAN

By: 

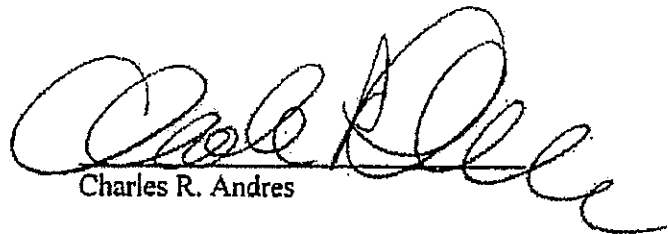
Charles R. Andres
545 Long Wharf Drive - 9th Floor
New Haven, CT 06511
Telephone: (203) 672-3204
Fax: (203) 672-3238
E-mail: charles.andres@leclairryan.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Compliance was mailed or delivered electronically on this 6th day of October 2017 to the following counsel and pro se parties of record and that written consent for electronic delivery was received from all attorneys and pro se parties receiving electronic delivery:

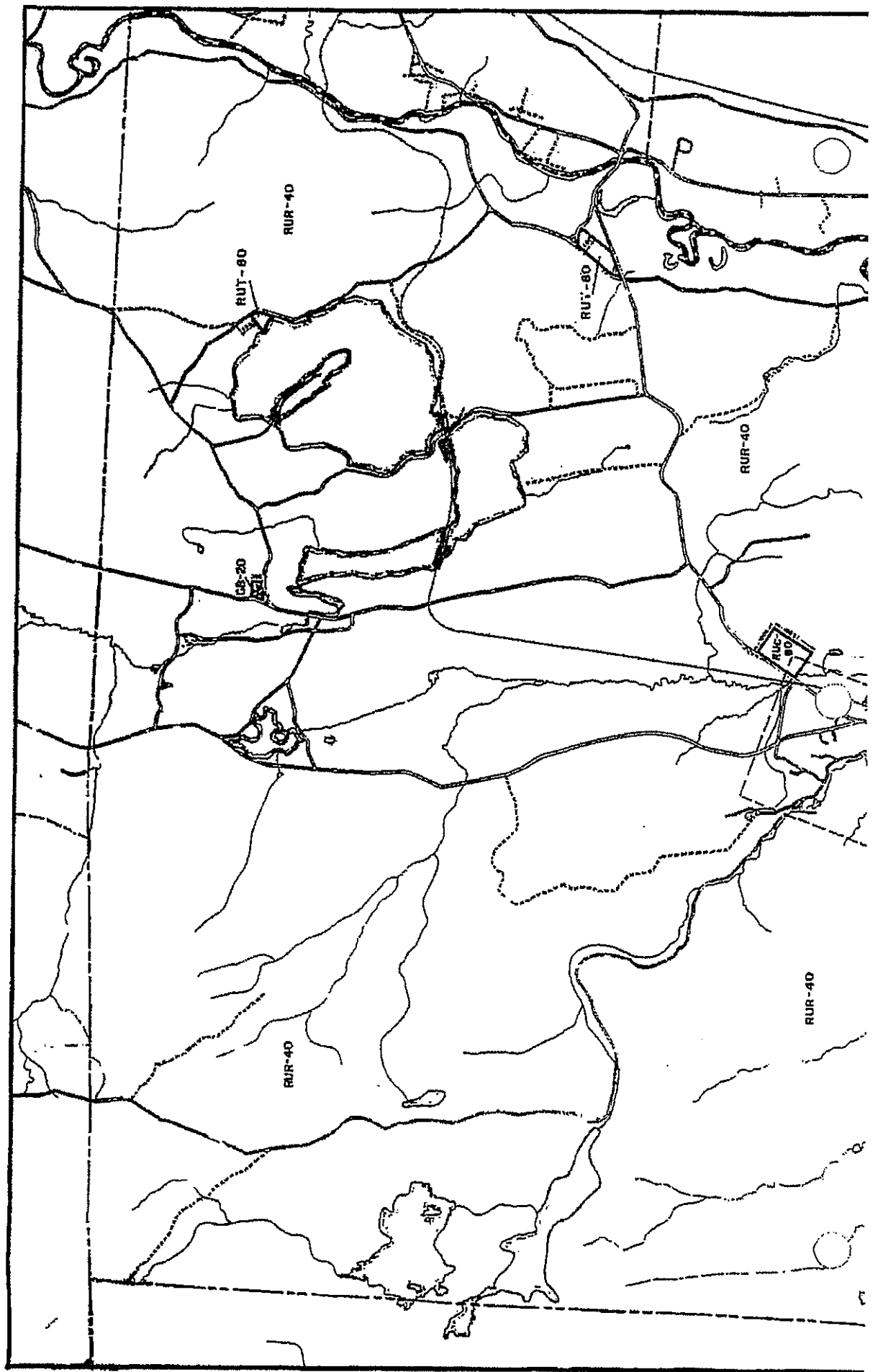
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Charles R. Andres

C



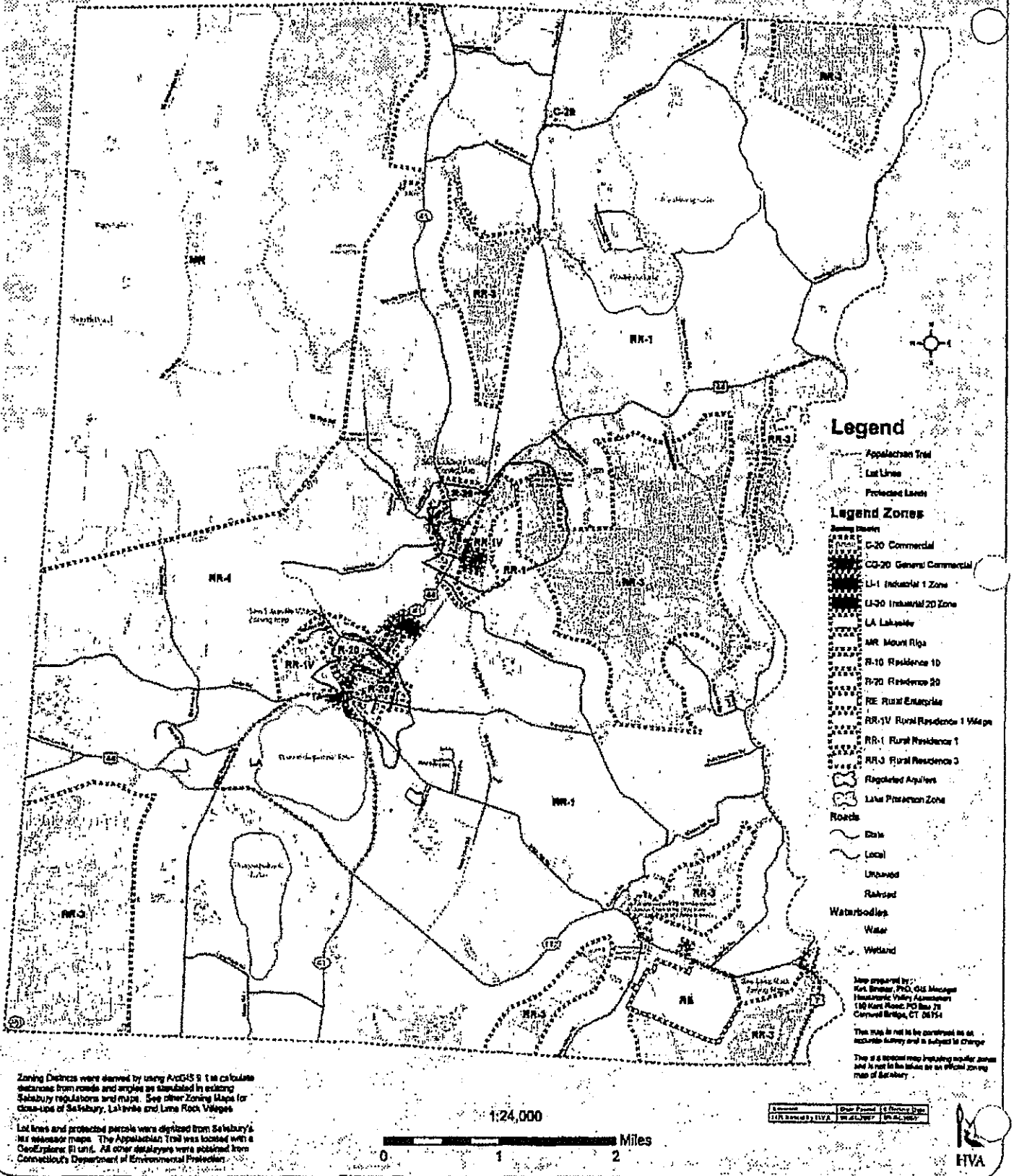
CL 9561

10



TOWN OF SALISBURY

Zoning Map No. 1



	<p>Key Land</p> <ul style="list-style-type: none"> Protestant Church Over Highway Road Corridor <p>Neighboring Zoning Districts</p> <ul style="list-style-type: none"> CCSC Center City CCSC Rural Center CCSC Rural Center 1 CCSC Rural Center 2 CCSC Rural Center 3 	<p>Accompanying</p> <ul style="list-style-type: none"> Map Land Map Map Map
--	--	---

Young Districts were defined by Larry Anzures, a legislative staffer that I met and spoke an in-depth meeting with. He said that the Young Districts were defined by the following criteria: districts with a high percentage of young people, a high percentage of minority people, and a high percentage of low-income people. The Young Districts were defined by the following criteria: districts with a high percentage of young people, a high percentage of minority people, and a high percentage of low-income people. The Young Districts were defined by the following criteria: districts with a high percentage of young people, a high percentage of minority people, and a high percentage of low-income people.

0 500 1,000

Look for papers by:
POLSKY, H. / INQ. CRIMINOLOGY
MORRIS, H. / A RESEARCH
IN THE FIELD OF THE
Criminal Justice, CT, 1974

D

SALISBURY 1967
PLANNING and ZONING
REGULATIONS
ADMINISTRATORS COPY

C O N T E N T S

ZONING REGULATIONS	ADOPTED JUNE 8, 1959 REVISED MAY 12, 1967
SUBDIVISION REGULATIONS	ADOPTED AUGUST 21, 1957 AMENDED NOVEMBER 20, 1959 REVISED JULY 16, 1968
TRAILER REGULATIONS	ADOPTED FEBRUARY 25, 1958
SAND AND GRAVEL REGULATIONS	ADOPTED JUNE 13, 1958 REVISED MAY 12, 1967
PLAN OF DEVELOPMENT	ADOPTED AUGUST 3, 1958 REVISED MAY 12, 1967

SALISBURY PLANNING AND ZONING COMMISSION

PROPOSED ZONING REGULATIONS
FOR THE
TOWN OF SALISBURY, CONNECTICUT

	<u>Section and Page</u>
Purpose and Authority	100-1
Definitions	210-1
Zoning Districts	220-1
Interpretation of Zoning District Boundaries	220-1
Non-Conforming Uses	230-1
General Special Permit Uses and Requirements in all Zones	240-1
Off-Street Parking	251-1
Truck Loading	251-2
Gravel Pits	252-1
Trailers and Trailer Parks	253-1
Signs	254-1
Lot Area Exceptions	260-1
Yard Exceptions	260-2
Carnivals	260-4
Water Bodies	260-4
Residence 10 Zone	310-1
Residence 20 Zone	320-1
Rural Residence 1 Zone	330-1
Rural Residence 3 Zone	340-1
Mount Riga Zone	350-1
Lakeside Zone	360-1
Rural Enterprise Zone	410-1
Commercial 20 Zone	420-1
General Commercial Zone	430-1
Industrial LI-1 Zone	440-1
Industrial 20 (LI-20) Zone	450-1
Administration and Enforcement	500-1
Certificate of Occupancy	500-2
Amendment Procedure	500-2

ARTICLE IV
COMMERCIAL AND INDUSTRIAL ZONING DISTRICT
REGULATIONS

Section 410-Rural Enterprise (RE) District

The following regulations and the general regulations contained in Article II shall apply in the Rural Enterprise (RE) District.

411-Permitted Uses

411. 1-One family dwellings.

411. 2-Dwellings for more than one family provided the lot size conforms to applicable requirements of minimum lot area per family dwelling unit.

411. 3-Customary home occupations including professional or commercial offices and home industries and service occupations carried on by a resident of the premises with not more than three employees not resident on the premises, provided that such use is secondary to the use of the premises for dwelling purposes, and does not change the residential character thereof; and provided that no noise created by such home occupation is audible off the lot on which it is situated.

411. 4-The letting of rooms or furnishing board in a dwelling by one or more of the residents of the dwelling to a total of not more than six persons, in addition to the family.

411. 5-Agriculture, farming, forestry, truck or nursery gardening, including greenhouses incidental thereto. A cold storage plant may be located on a farm containing not less than 10 acres, provided that it is used for storage of local produce and supplies used on local farms and residences only. This paragraph shall not permit the commercial raising of fur-bearing animals other than rabbits. Permitted uses under this paragraph may include the maintenance, repair, manufacture and storage of equipment, implements, machinery, and vehicles used in connection with an agricultural or forestry operation on the same premises or on premises under the same occupancy and may include a stand for the sale of farm and garden produce raised on the premises provided that it is located at least

20 feet from the street line to provide off-street parking. Forestry may include the cutting, sawing, and storage of timber, providing that no permanent saw mill may be located on a lot containing less than five acres nor within 150 feet from any highway or 500 feet of any residence except a residence on the same premises and providing that no portable saw mill may be set up within 200 feet from any dwelling nor within 150 feet from any public highway.

411.6-A fire or police station or other municipal building, a telephone exchange, transformer substation, sewer or water pumping station, or a public park or playground.

411.7-Commercial golf courses and commercial greenhouses.

411.8-The excavation and removal of sand, gravel, stone, loam, dirt or other natural earth products provided that no screening, sifting, washing, crushing or other forms of processing shall be conducted within 200 feet of any street or property line.

411.9-A restaurant, provided it is located on lot containing not less than 1,000 square feet of area for each customer which the restaurant is arranged, designed or intended to or does accommodate at any one time, including patrons at counters, tables, or elsewhere. A restaurant as an accessory use may be located on the same lot as a race track permitted under Section 411.21 without reference to the foregoing lot area requirement.

411.10-Hotels, Motels, Tourist cabin establishments, veterinary hospitals, kennels and riding or boarding stables. When specifically approved, after a public hearing, by the Planning and Zoning Commission as conditional uses and subject to such conditions as said Commission may establish, giving consideration to the effect of the proposed use on present and future dwellings in the vicinity, to the proposed site planning and planning and landscaping, to the conditions affecting traffic safety, to the provisions for off-street parking, water supply and sewage disposal and to other standards provided in these regulations.

411.10.1- Commercial kennels and veterinary hospitals, provided that they are located on lots of not less than three acres and that no dogs therein are kept in any building or enclosure within 150 feet of any property line.

411. 10. 2-Livery, boarding or riding stables provided that they are located on lots of not less than three acres.

411. 10. 3-A hotel, provided that the lot area is not less than five acres, and is equivalent to not less than 4,000 square feet for each guest sleeping accommodation, and provided that the front, side and rear yards shall be not less than 100 feet in depth or width.

411. 10. 4-A motel or tourist cabin establishment consisting of not less than four units, provided that the lot area is not less than two acres and is equivalent to not less than 4000 square feet for each guest sleeping accommodation, and provided that the front, side and rear yards shall be not less than 100 feet in depth or width.

411. 11-Outdoor skating rinks, ski areas, golf driving ranges, commercial picnic areas, and similar places of outdoor commercial recreation.

411. 12-Commercial beaches and swimming pools.

411.13-Research laboratories, professional and business offices and publishing plants.

411. 14-The manufacture of optical goods, precision instruments, clocks and watches.

411. 15-The manufacture, compounding, processing, packaging or treatment of beverages, dairy products, food other than meats, candy, cosmetics, drugs, perfumes, pharmaceuticals, but excluding the rendering or refining of fats and oils.

411. 16-The manufacture, assembly or treatment of articles from the following previously prepared materials; cellophane, cork, fiber, glass, hair, horn, leather, paper, plastics, precious metals, or stones, shell, textiles, wood, yarns.

411. 17-Printing, photoengraving and book binding.

411. 18-Carpentry, woodworking and upholstery manufacture.

411. 19-Manufacture of paperboard and hardboard.

411. 20-With the approval of the Zoning Board of Appeals, any use similar to the foregoing uses permitted by this section in its emission of noise, smoke, dust, vibration and generation of traffic.

411. 21-A track for racing motor vehicles, excluding motor cycles, to which admission may be charged, and for automotive education and research in safety and for performance testing of a scientific nature. Any such motor vehicle race track shall be subject to each of the following requirements of this section.

411. 21. 1 -No races shall be conducted on any such track except during such hours as are permitted by Statute.

411. 21. 2-Wherever the land on which a race track is situated abuts or faces a residence zone district, there shall be a minimum fifty foot buffer strip along each yard or part thereof so abutting or facing, which strip shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy, or within one year of the adoption of this amendment to the regulations, whichever is the later date, and shall thereafter be suitably and neatly maintained by the owner and/or his tenant, and/or his or their agent. Any such screen shall consist of at least fifty per cent of evergreens so as to maintain a dense screen at all seasons of the year.

411. 21. 3-The lot shall have adequate frontage on or access to a principal traffic street or streets capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal traffic street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject to the approval of the selectmen in the case of a Town Road or of the State Highway Commissioner in the case of a State Highway.

411. 21. 4-Adequate off street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.

411.21.5-Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted. Directional signs containing not more than six square feet each are permitted.

411.21.6-No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source nor shall any flashing sign be visible from off the premises. Spot or other lighting of any sign, building, structure, land, track, parking space, or any other part of the premises shall be so arranged that the light source is not visible from a point off the premises.

411.22-Accessory uses may include grandstands, judges' stands, automobile repair pits, rest rooms, lunch counters or stands. Accessory uses may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incident to the other activities herein permitted. Other accessory uses may include the production of television, motion picture or radio programs and the use of necessary lighting and sound equipment therefor.

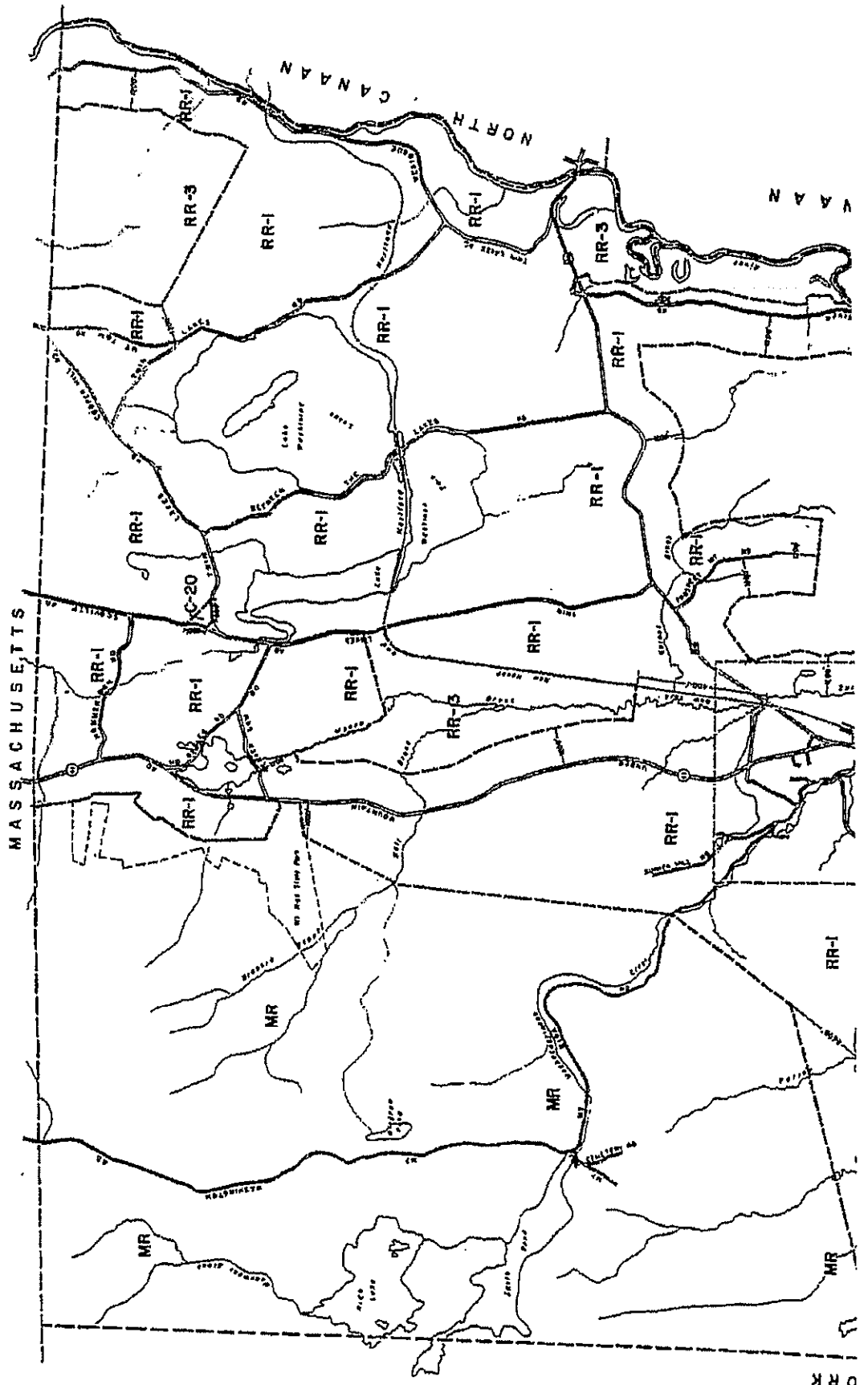
412.01-Required Lot Area, Width, Yards, Coverage, Height

Min. Lot Area <u>sq. ft.</u>	Min. Lot Width <u>ft.</u>	Minimum Lot Area Per Family Dwelling Unit <u>sq. ft.</u>	Front Yard <u>ft.</u>	Side Yards Each <u>ft.</u>	Rear Yard <u>ft.</u>	Max. Bldg. Cover- age <u>%</u>	Maximum Building Height <u>ft.</u>
80,000	200	40,000	100	50	50	10	30

412.02-For uses permitted under Sections 411.13 to 411.19 inclusive, the minimum lot area shall be 20 acres.

412.03-A buffer strip not less than 50 feet wide shall be maintained on each lot occupied by a use permitted by Sections 411.6 to 411.20 inclusive where such lot adjoins a lot occupied by a dwelling or a lot in a subdivision intended for residential use. Such buffer strip shall be suitably landscaped and shall not be used for parking or any other activity other than agriculture.

TOWN OF SALISBURY, CONNECTICUT



E

Zoning Regulations

First Revision May 12, 1967

Second Revision March 11, 1974

AUGUST 27, 1976

JUNE 22, 1979

FEBRUARY 21, 1980

FEBRUARY 23, 1981

ARTICLE IV - COMMERCIAL AND INDUSTRIAL ZONING DISTRICT REGULATIONS

Sec. 410 Rural Enterprise (RE) District. The following regulations and the general regulations contained in Article II shall apply in the Rural Enterprise (RE) District.

411 Permitted Uses

- 411.1 One family dwellings.
- 411.2 Dwellings for more than one family provided the lot size conforms to applicable requirements of minimum lot area per family dwelling unit.
- 411.3 Customary home occupations including professional or commercial offices and home industries and service occupations carried on by a resident of the premises with not more than three employees not resident on the premises, provided that such use is secondary to the use of the premises for dwelling purposes, and does not change the residential character thereof; and provided that no noise created by such home occupation is audible off the lot on which it is situated.
- 411.4 The letting of rooms or furnishing board in a dwelling by one or more of the residents of the dwelling to a total of not more than six persons, in addition to the family.
- 411.5 Agriculture, farming, forestry, truck or nursery gardening, including greenhouses incidental thereto. A cold storage plant may be located on a farm containing not less than 10 acres, provided that it is used for storage of local produce and supplies used on local farms and residences only. This paragraph shall not permit the commercial raising of fur-bearing animals other than rabbits. Permitted uses under this paragraph may include the maintenance, repair, manufacture and storage of equipment, implements, machinery, and vehicles used

411.5 Continued

in connection with an agricultural or forestry operation on the same premises or on premises under the same occupancy and may include a stand for the sale of farm and garden produce raised on the premises provided that it is located at least 20 feet from the street line to provide off-street parking. Forestry may include the cutting, sawing, and storage of timber, providing that no permanent saw mill may be located on a lot containing less than five acres nor within 150 feet from any highway or 500 feet of any residence except a residence on the same premises and provided that no portable saw mill may be set up within 200 feet from any dwelling nor within 150 feet from any public highway.

411.6 A fire or police station or other municipal building, a telephone exchange, transformer substation, sewer or water pumping station, or a public park or playground.

411.7 Commercial golf courses and commercial greenhouses.

412 Special Permit Uses. The following uses described in Sections 413 to 415.6, inclusive, may be permitted by the Planning and Zoning Commission after a public hearing, subject to the provisions of Section 240 and 241, excluding Section 242, General Special Permit Uses and Requirements in All Zones, and the following conditions and safeguards.

413 Commercial Earth Products Removal. Except as provided in Section 252.1 a special permit is required for the excavation and removal of sand, gravel, stone, loam, dirt, topsoil, clay or other natural earth products, or for screening, sifting, washing, crushing or any other form of processing any of the foregoing natural products, or for the deposit of fill or change of the present natural contour or grade of land in excess of the removal or deposit

413 Continued

of 250 cubic yards of material or more and provided that all of the provisions of Section 252.2 to 252.7, inclusive, are found to exist or will be complied with. The Commission shall also consider the ecological factors and the impact of the proposed use and may seek the advice of the Salisbury Conservation Commission.

- 414.1 A restaurant, provided it is located on lot containing not less than 1,000 square feet of area for each customer which the restaurant is arranged, designed or intended to or does accommodate at any one time, including patrons at counters, tables, or elsewhere. A restaurant as an accessory use may be located on the same lot as a race track permitted under Section 415 without reference to the foregoing lot area requirement.
- 414.2 Hotels, motels, tourist cabin establishments, veterinary hospitals, kennels and riding or boarding stables. When specifically approved, after a public hearing, by the Planning and Zoning Commission as conditional uses and subject to such conditions as said Commission may establish, giving consideration to the effect of the proposed use on present and future dwellings in the vicinity, to the proposed site planning and planning and landscaping, to the conditions affecting traffic safety, to the provisions for off-street parking, water supply and sewage disposal and to other standards provided in these regulations.
 - 414.2a Commercial kennels and veterinary hospitals, provided that they are located on lots of not less than three acres and that no dogs therein are kept in any building or enclosure within 150 feet of any property line.
 - 414.2b Livery, boarding or riding stables provided that they are located on lots of not less than three acres.
 - 414.2c A hotel, provided that the lot area is not less than five acres, and is equivalent to not less than 4,000 square feet for each guest sleeping accommodation, and

414.2c Continued

provided that the front, side and rear yards shall be not less than 100 feet in depth or width.

- 414.2d A motel or tourist cabin establishment consisting of not less than four units, provided that the lot area is not less than two acres and is equivalent to not less than 4,000 square feet for each guest sleeping accommodation, and provided that the front, side and rear yards shall be not less than 100 feet in depth or width.
- 414.3 Outdoor skating rinks, ski areas, golf driving ranges, commercial picnic areas, and similar places of outdoor commercial recreation.
- 414.4 Commercial beaches and swimming pools.
- 414.5 Research laboratories, professional and business offices and publishing plants.
- 414.6 The manufacture of optical goods, precision instruments, clocks and watches.
- 414.7 The manufacture, compounding, processing, packaging or treatment of beverages, dairy products, food other than meats, candy, cosmetics, drugs, perfumes, pharmaceuticals, but excluding the rendering or refining of fats and oils.
- 414.8 The manufacture, assembly or treatment of articles from the following previously prepared materials; cellophane, cork, fiber, glass, hair, horn, leather, paper, plastics, precious metals, or stones, shell, textiles, wood, yarns.
- 414.9 Printing, photoengraving and book binding.
- 414.10 Carpentry, woodworking and upholstery manufacture.
- 414.11 Manufacture of paperboard and hardboard.

6

415 A track for racing motor vehicles, excluding motorcycles to which admission may be charged, and for automotive education and research in safety and for performance testing of a scientific nature. Any such motor vehicle race track shall be subject to each of the following requirements of this section.

415.1 No races shall be conducted on any such track except during such hours as are permitted by Statute. COURT ORDER DATED 5/12/59

415.2 Wherever the land on which a race track is situated abuts or faces a residence zone district, there shall be a minimum fifty foot buffer strip along each yard or part thereof so abutting or facing, which strip shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy, or within one year of the adoption of this amendment to the regulations, whichever is the later date, and shall thereafter be suitably and neatly maintained by the owner and/or his tenant, and/or his or their agent. Any such screen shall consist of at least fifty per cent of evergreens so as to maintain a dense screen at all seasons of the year.

8

415.3 The lot shall have adequate frontage on or access to a principal traffic street or streets capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal traffic street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject to the approval of the selectmen in the case of a Town Road or of the State Highway Commissioner in the case of a State Highway.

8

415.4 Adequate off street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.

415.5 Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted. Directional signs containing not more than six square feet each are permitted.

415.6 No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source nor shall any flashing sign be visible from off the premises. Spot or other lighting of any sign, building, structure, land, track, parking space, or any other part of the premises shall be so arranged that the light source is not visible from a point off the premises.

416 Accessory uses may include grandstands, judges' stands, automobile repair pits, rest rooms, lunch counters or stands. Accessory uses may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incident to the other activities herein permitted. Other accessory uses may include the production of television, motion picture or radio programs and the use of necessary lighting and sound equipment therefor.

417 Required Lot Area, Width, Yards, Coverage, Height

Minimum Lot Area:	80,000 sq. ft.
Minimum Lot Width:	200 ft.
Minimum Lot Area Per Family Dwelling Unit:	40,000 sq. ft.
Front Yard:	100 ft.
Side Yards (Each):	50 ft.
Rear Yard:	50 ft.
Maximum Building Coverage:	10 %
Maximum Building Height:	30 ft.

418 For uses permitted under Sections 414.5 to 414.11, inclusive, the minimum lot area shall be 20 acres.

419 A buffer strip not less than 50 feet wide shall be maintained on each lot occupied by a use permitted by Section 414.5 to 414.11, inclusive, where such lot adjoins a lot occupied by a dwelling or a lot in a subdivision intended for residential use. Such buffer strip shall contain a screen of shrubbery to be maintained and consist of at least fifty per cent of evergreens as provided in Section 415.2.

GENERAL USE CATEGORIES LISTED ON COMPOSITE OF ZONING REQUIREMENTS

(See Regulations for Details)

- | | |
|--|--|
| 1. DWELLINGS | 26. LIGHT MANUFACTURING |
| 2. PROFESSIONAL OFFICE | 27. RACE TRACK (MOTOR) |
| 3. HOME OCCUPATION | 28. RETAIL STORES |
| 4. LETTING OF ROOMS | 29. EXHIBITION OR TEACHING OF ARTS |
| 5. HORSES ON 3 ACRES OR MORE | 30. COMMERCIAL PARKING |
| 6. GUEST HOUSE | 31. AUTO SALES AND SERVICE INCLUDING FILLING STATION |
| 7. FARM BUILDINGS | 32. OFFICE BUILDINGS AND CAR WASH.) |
| 8. COMMERCIAL POULTRY, FUR BEARING & SWINE | 33. SCHOOLS AND COLLEGES |
| 9. VETERINARY HOSPITAL | 34. CHURCHES |
| 10. COMMERCIAL KENNEL | 35. HOSPITALS |
| 11. AUTO SERVICE | 36. FUNERAL PARLOR |
| 12. COMMERCIAL FARMING | 37. PARKS AND PLAYGROUNDS |
| 13. LANDSCAPE GARDENING | 38. COMMERCIAL GREENHOUSE |
| 14. FORESTRY | 39. INDOOR RECREATION FACILITIES |
| 15. MULTI-FAMILY DWELLINGS | 40. PRINTING PLANT |
| 16. FIRE AND POLICE STATION | 41. LAUNDRY |
| 17. GOLF COURSE | 42. LUMBER STORAGE AND SALES |
| 18. SAND AND GRAVEL EXCAVATION | 43. WAREHOUSE |
| 19. RESTAURANT | 44. FUEL OIL DISTRIBUTION |
| 20. HOTEL AND MOTEL | 45. CONTRACTORS STORAGE AND WAREHOUSING |
| 21. LIVERY STABLE | 46. SWIMMING POOLS |
| 22. SKI AREAS | 47. SECOND HAND AND ANTIQUE STORES |
| 23. RECREATION AREAS | 48. SERVICE ESTABLISHMENTS |
| 24. BEACHES | 49. WHOLESALE DISTRIBUTING ESTABLISHMENTS |
| 25. LABORATORIES | |

COMP-1

COMPOSITE OF ZONE REQUIREMENTS, SALISBURY, CONNECTICUT

(See Regulations for Details)

Zone	Uses	Special Uses	Single Family Size and Use	Multi-Family* Area per Unit	Required Yard			Distance Between Buildings	% Cov.	Height
					Front	Side	Rear			
R10	1-7	33-37 47*	10,000 sf & 75' sq.	5,000 sf	30'	15'	20'	10'	25%	30'
R20	Same as R10	Same as R10	20,000 sf & 90' sq.	10,000 sf	40'	20'	30'	10'	15%	30'
RR1	1-7, 11-13	Same as R20 and 10, 17, 19, 20, 21, 22, 23, 25, 32, 38	80,000 sf & 150' sq.	80,000 sf	40'	30'	30'	10'	10%	30'
RR1V	Same as RR1	Same as RR1	80,000 sf	40,000 sf	40'	30'	30'	10'	10%	30'
RR3	Same as RR1	Same as RR1	120,000 sf & 300' sq.	120,000 sf	40'	30'	30'	10'	10%	30'
MR	1, 12, 14		3 acres		50'	100'	100'			
LA	Same as R10	Same as R10	40,000 sf* & 150' sq.	20,000 sf	50'	25'	30'	10'	10%	30'

*See Regulations for exception or restriction.

F

Zoning Regulations

- **First Revision May 12, 1967**
- **Second Revision March 11, 1974**
- **Third Revision August 27, 1976**
- **Fourth Revision June 22, 1979**
- **Fifth Revision February 21, 1980**
- **Sixth Revision February 23, 1981**
- **SEVENTH REVISION MARCH 11, 1983**
- **EIGHTH REVISION JULY 25, 1983**

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ARTICLE I - PURPOSE

Sec. 110 Purpose and Authority. In accordance with the provisions of Chapter 124 of the 1958 Revision of the General Statutes of the State of Connecticut, as amended, the Planning and Zoning Commission of the Town of Salisbury hereby adopts the following Zoning Regulations for the Town of Salisbury, Connecticut.

ARTICLE IV - COMMERCIAL AND INDUSTRIAL ZONING DISTRICT REGULATIONS

Sec. 410 Rural Enterprise (RE) District. The following regulations and the general regulations contained in Article II shall apply in the Rural Enterprise (RE) District.

411 Permitted Uses

- 411.1 One family dwellings.
- 411.2 Dwellings for more than one family provided the lot size conforms to applicable requirements of minimum lot area per family dwelling unit.
- 411.3 Customary home occupations including professional or commercial offices and home industries and service occupations carried on by a resident of the premises with not more than three employees not resident on the premises, provided that such use is secondary to the use of the premises for dwelling purposes, and does not change the residential character thereof; and provided that no noise created by such home occupation is audible off the lot on which it is situated.
- 411.4 The letting of rooms or furnishing board in a dwelling by one or more of the residents of the dwelling to a total of not more than six persons, in addition to the family.
- 411.5 Agriculture, farming, forestry, truck or nursery gardening, including greenhouses incidental thereto. A cold storage plant may be located on a farm containing not less than 10 acres, provided that it is used for storage of local produce and supplies used on local farms and residences only. This paragraph shall not permit the commercial raising of fur-bearing animals other than rabbits. Permitted uses under this paragraph may include the maintenance, repair, manufacture and storage of equipment, implements, machinery, and vehicles used

411.5 Continued

in connection with an agricultural or forestry operation on the same premises or on premises under the same occupancy and may include a stand for the sale of farm and garden produce raised on the premises provided that it is located at least 20 feet from the street line to provide off-street parking. Forestry may include the cutting, sawing, and storage of timber, providing that no permanent saw mill may be located on a lot containing less than five acres nor within 150 feet from any highway or 500 feet of any residence except a residence on the same premises and provided that no portable saw mill may be set up within 200 feet from any dwelling nor within 150 feet from any public highway.

411.6 A fire or police station or other municipal building, a telephone exchange, transformer substation, sewer or water pumping station, or a public park or playground.

411.7 Commercial golf courses and commercial green-houses.

412 Special Permit Uses. The following uses described in Sections 413 to 415.6 inclusive, may be permitted by the Planning and Zoning Commission after a public hearing, subject to the provisions of Section 240 and 241, excluding Section 242, General Special Permit Uses and Requirements in All Zones, and the following conditions and safeguards.

413 Commercial Earth Products Removal. Except as provided in Section 252.1 a special permit is required for the excavation and removal of sand, gravel, stone, loam, dirt, topsoil, clay or other natural earth products, or for screening, sifting, washing, crushing or any other form of processing any of the foregoing natural products, or for the deposit of fill or change of the present natural contour or grade of land in excess of the removal or deposit

413 Continued

of 250 cubic yards of material or more and provided that all of the provisions of Section 252.2 to 252.7, inclusive, are found to exist or will be complied with. The Commission shall also consider the ecological factors and the impact of the proposed use and may seek the advice of the Salisbury Conservation Commission.

- 414.1 A restaurant, provided it is located on lot containing not less than 1,000 square feet of area for each customer which the restaurant is arranged, designed or intended to or does accommodate at any one time, including patrons at counters, tables, or elsewhere. A restaurant as an accessory use may be located on the same lot as a race track permitted under Section 415 without reference to the foregoing lot area requirement.
- 414.2 Hotels, motels, tourist cabin establishments, veterinary hospitals, kennels and riding or boarding stables. When specifically approved, after a public hearing, by the Planning and Zoning Commission as conditional uses and subject to such conditions as said Commission may establish, giving consideration to the effect of the proposed use on present and future dwellings in the vicinity, to the proposed site planning and planning and landscaping, to the conditions affecting traffic safety, to the provisions for off-street parking, water supply and sewage disposal and to other standards provided in these regulations.
- 414.2a Commercial kennels and veterinary hospitals, provided that they are located on lots of not less than three acres and that no dogs therein are kept in any building or enclosure within 150 feet of any property line.
- 414.2b Livery, boarding or riding stables provided that they are located on lots of not less than three acres.
- 414.2c A hotel, provided that the lot area is not less than five acres, and is equivalent to not less than 4,000 square feet for each guest sleeping accommodation, and

414.2c Continued

provided that the front, side and rear yards shall be not less than 100 feet in depth or width.

414.2d A motel or tourist cabin establishment consisting of not less than four units, provided that the lot area is not less than two acres and is equivalent to not less than 4,000 square feet for each guest sleeping accommodation, and provided that the front, side and rear yards shall be not less than 100 feet in depth or width.

414.3 Outdoor skating rinks, ski areas, golf driving ranges, commercial picnic areas, and similar places of outdoor commercial recreation.

414.4 Commercial beaches and swimming pools.

414.5 Research laboratories, professional and business offices and publishing plants.

414.6 The manufacture of optical goods, precision instruments, clocks and watches.

414.7 The manufacture, compounding, processing, packaging or treatment of beverages, dairy products, food other than meats, candy, cosmetics, drugs, perfumes, pharmaceuticals, but excluding the rendering or refining of fats and oils.

414.8 The manufacture, assembly or treatment of articles from the following previously prepared materials; cellophane, cork, fiber, glass, hair, horn, leather, paper, plastics, precious metals, or stones, shell, textiles, wood, yarns.

414.9 Printing, photoengraving and book binding.

414.10 Carpentry, woodworking and upholstery manufacture.

414.11 Manufacture of paperboard and hardboard.

- 415 A track for racing motor vehicles, excluding motorcycles to which admission may be charged, and for automotive education and research in safety and for performance testing of a scientific nature. Any such motor vehicle race track shall be subject to each of the following requirements of this section.
- 415.1 No races shall be conducted on any such track except during such hours as are permitted by Court Order dated 5/12/59.
- 415.2 Wherever the land on which a race track is situated abuts or faces a residence zone district, there shall be a minimum fifty foot buffer strip along each yard or part thereof so abutting or facing, which strip shall contain a screen of shrubbery not less than fifteen feet in width nor less than six feet in height at the time of occupancy, or within one year of the adoption of this amendment to the regulations, whichever is the later date, and shall thereafter be suitably and neatly maintained by the owner and/or his tenant, and/or his or their agent. Any such screen shall consist of at least fifty per cent of evergreens so as to maintain a dense screen at all seasons of the year.
- 415.3 The lot shall have adequate frontage on or access to a principal traffic street or streets capable of handling the volume of traffic to be generated thereon. The access and service roads connecting with the principal traffic street or streets shall be so located and designed as to avoid unsafe traffic conditions or congestion. Traffic control devices and lighting of access points at or across street or access intersections shall be provided at the expense of the owner when required and provision shall be made for safe pedestrian traffic to, from and within the lot. The design and location of access and intersections with public highways shall be subject to the approval of the selectmen in the case of a Town Road or of the State Highway Commissioner in the case of a State Highway.

415.4 Adequate off street parking shall be provided to accommodate the vehicles of employees, proprietors, participants, customers, visitors and others.

415.5 Not more than three signs, containing not more than 50 square feet each, advertising the use of the premises shall be permitted on the premises. Any sign not visible from off the premises is permitted. Directional signs containing not more than six square feet each are permitted.

415.6 No sign, with the exception of scoreboards, visible off the premises shall be illuminated by exposed tubes or other exposed light source nor shall any flashing sign be visible from off the premises. Spot or other lighting of any sign, building, structure, land, track, parking space, or any other part of the premises shall be so arranged that the light source is not visible from a point off the premises.

416 Accessory uses may include grandstands, judges' stands, automobile repair pits, rest rooms, lunch counters or stands. Accessory uses may also include the use of the premises for automobile shows and exhibitions, for the sale of motor vehicles, automotive parts and accessories and fuels, for manufacturing and automotive repair incident to the other activities herein permitted. Other accessory uses may include the production of television, motion picture or radio programs and the use of necessary lighting and sound equipment therefor.

417 Required Lot Area, Width, Yards, Coverage, Height

Minimum Lot Area:	80,000 sq. ft.
Minimum Lot Width:	200 ft.
Minimum Lot Area Per Family Dwelling Unit:	40,000 sq. ft.
Front Yard:	100 ft.
Side Yards (Each):	50 ft.
Rear Yard:	50 ft.
Maximum Building Coverage:	10 %
Maximum Building Height:	30 ft.

418 For uses permitted under Sections 414.5 to 414.11, inclusive, the minimum lot area shall be 20 acres.

419 A buffer strip not less than 50 feet wide shall be maintained on each lot occupied by a use permitted by Section 414.5 to 414.11, inclusive, where such lot adjoins a lot occupied by a dwelling or a lot in a subdivision intended for residential use. Such buffer strip shall contain a screen of shrubbery to be maintained and consist of at least fifty per cent of evergreens as provided in Section 415.2.

COMPOSITE OF ZONE REQUIREMENTS, SALISBURY, CONNECTICUT

(See Regulations for Details)

Zone	Uses	Special Uses	Single Family Size and Use	Multi-Family* Area per Unit	Front	Required Yard Side	Rear	Distance Between Buildings	% Cov.	Height
RE	1, 3, 4, 12, 14*, 16, 15, 17, 37, 38	9, 10, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 32, 40, 46 (All *)	80,000 sf & 200' sq.	40,000 sf	100'	50'	50'		10%	30'
C20	Same as R10, 19, 28, 29, 30, 32, 47*, 48	Same as R10, 20, 39, 40	20,000 sf & 90' sq.	5,000 sf	40'	12'	40'	10'	25%	30'
CG-20	Same as C20, 31	Same as C20, 40 to 45, 49	20,000 sf & 90' sq.	5,000 sf	40'	12'	40'	10'	25%	30'
LI1		19, 25, 26, 32, 42 (All*) 31*	40,000 sf & 150' sq.	(Acc. Dwelling 50,000 sf)*	50'	25'	30'	10'	15%	30'
LI20	19, 25, 26, 32		20,000 sf* & 100' sq.	(Acc. Dwelling 30,000 sf)*	30'	12'	30'	10'	66- 2/3%	30'

*See Regulations for exception or restriction.

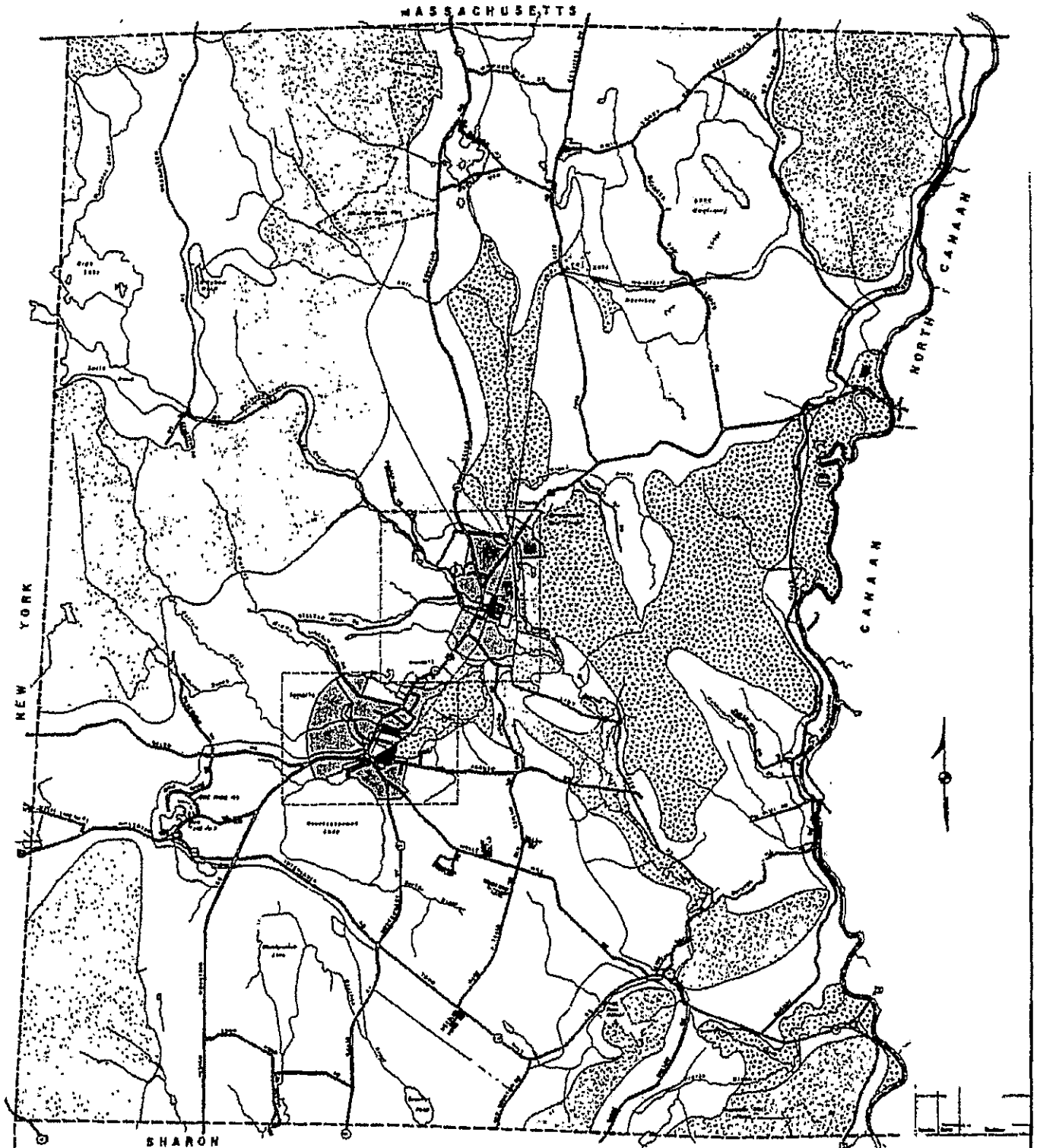
GENERAL USE CATEGORIES LISTED ON COMPOSITE OF ZONING REQUIREMENTS

(See Regulations for Details)

- | | |
|--|---|
| 1. DWELLINGS | 26. LIGHT MANUFACTURING |
| 2. PROFESSIONAL OFFICE | 27. RACE TRACK (MOTOR) |
| 3. HOME OCCUPATION | 28. RETAIL STORES |
| 4. LETTING OF ROOMS | 29. EXHIBITION OR TEACHING OF ARTS |
| 5. HORSES ON 3 ACRES OR MORE | 30. COMMERCIAL PARKING |
| 6. GUEST HOUSE | 31. AUTO SALES AND SERVICE |
| 7. FARM BUILDINGS | INCLUDING FILLING STATIONS AND CAR WASH |
| 8. COMMERCIAL POULTRY, FUR BEARING & SWINE | 32. OFFICE BUILDINGS |
| 9. VETERINARY HOSPITAL | 33. SCHOOLS AND COLLEGES |
| 10. COMMERCIAL KENNEL | 34. CHURCHES |
| 11. AUTO SERVICE | 35. HOSPITALS |
| 12. COMMERCIAL FARMING | 36. FUNERAL PARLOR |
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| 14. FORESTRY | 38. COMMERCIAL GREENHOUSE |
| 15. MULTI-FAMILY DWELLINGS | 39. INDOOR RECREATION FACILITIES |
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| 25. LABORATORIES | 49. WHOLESALE DISTRIBUTING ESTABLISHMENTS |

COMP-1

TOWN OF SALISBURY, CONNECTICUT



LAND USE PLAN

RESIDENTIAL

- VILLAGE DENSITY
- MEDIUM DENSITY
- RURAL DENSITY

COMMERCIAL

- LIGHT
- HEAVY
- LIGHT INDUSTRIAL

PUBLIC

- RESTRICTED USE
- OPEN SPACE

4

THIS PLAN PREPARED BY
PLANNING AND ZONING COMMISSION
TOWN OF SALISBURY
AND THE TOWN OF CANAAN
Environmental Design Group

TOWN OF SALISBURY, CONNECTICUT

MASSACHUSETTS

NEW YORK

NORTH CANAAN

SHARON

SALISBURY, CONNECTICUT ZONING MAP "1" DATE: _____

--- ZONING DISTRICT BOUNDARY

5a

PLANNING AND ZONING COMMISSION
TOWN OF SALISBURY
BOODEN & SONS PLANNING CONSULTANTS
UPDATED BY ENVIRONMENTAL DESIGN GROUP

--- ZONING DISTRICT BOUNDARY

PLANNING AND ZONING COMMISSION
TOWN OF SALISBURY
BOOKING & COST PLANNING CONSULTANTS
OFFICE OF ENVIRONMENTAL DESIGN GROUP

Exhibit 10-17

RECEIVED

SEP 08 2015

CLERK'S OFFICE - FAIRBURY
VT

Exh. b. +
17

NO. 15,149 : SUPERIOR COURT
ANN ADAMS, ET AL. : J.D. OF LITCHFIELD
V. : AT LITCHFIELD
B. FRANKLIN VAILL, ET AL. : September 4, 2015

**MOTION FOR ORDER OF NOTICE BY PUBLICATION
AND TO SET HEARING DATE**

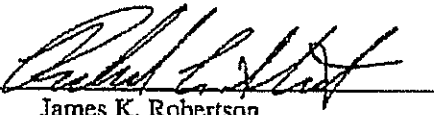
The defendant, Lime Rock Park, LLC ("Lime Rock") hereby moves for an order of notice setting a hearing date on its Motion to Modify Injunction and permitting Lime Rock to give notice of the hearing by newspaper publication. As previously described in its Motion to Modify filed with this Court, Lime Rock seeks to modify an injunction that it entered into by stipulation in 1988 because of the change in circumstances in the intervening twenty-seven years. The original action was filed against Lime Rock in 1959, and many of the plaintiffs are apparently deceased, or no longer living in the area and cannot be located. After searching, Lime Rock has not been able to locate any of the parties with the exception of the Trinity Episcopal Church and the Lime Rock Cemetery Association, both of whom Lime Rock proposes to serve notice by civil process. In 1988, the only party plaintiff that entered into the stipulation to modify the injunction with Lime Rock was the "Lime Rock Protection Committee, Inc." According to the records from the Connecticut Secretary of State, that entity was forfeited in 1990. Lastly, a person named Peter Wolf, the statutory agent for a newly formed entity called "Lime Rock Citizens Council, LLP" has recently informed the Court by letter that he would like to be informed of any Motion to Modify the injunction. (Mr. Wolf's letter is attached to this Motion as Exhibit A.) Lime Rock proposes to serve the Motion to Modify and Order of Notice upon Mr. Wolf at the address that he provided in his letter to the Court.

{NS116708}

STATE OF CONNECTICUT
JUDICIAL DISTRICT OF
LITCHFIELD
SEP 4 PM 4 49
SUPERIOR COURT
OFFICE OF THE CLERK

WHEREFORE, Lime Rock respectfully requests that the court set a date for a hearing on its Motion to Modify and to permit it to give notice of the hearing by civil process served upon Trinity Episcopal Church, The Lime Rock Cemetery Association and Peter Wolf, and further by publication as set forth in the attached proposed Order of Notice.

LIME ROCK PARK, LLC

By 

James K. Robertson
Richard L. Street

For: Carmody Torrance Sandak
& Hennessey LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110
Telephone: 203-573-1200
Juris No. 08512
Its Attorneys

(N5116708)

NO. 15,149 : SUPERIOR COURT
ANN ADAMS, ET AL. : J.D. OF LITCHFIELD
V. : AT LITCHFIELD
B. FRANKLIN VAILL, ET AL. :

ORDER OF NOTICE

Upon consideration of the foregoing Motion for Order of Notice and the Motion to Modify Injunction in the above-entitled matter, setting forth that defendant seeks to modify the Stipulated Injunction entered into by this Court on January 14, 1988, it is hereby

ORDERED, that a hearing on the foregoing Motion to Modify Injunction be held before the Superior Court, Judicial District of Litchfield, 15 West Street, Litchfield, Connecticut 06759 in ³⁴²⁴ Courtroom ROOM on the 26 day of OCTOBER, 2015 at 9:30 a.m.; and it is further

ORDERED, that notice of the pendency of said Motion to Modify Injunction and the time and place of such hearing be given to the Trinity Episcopal Church, The Lime Rock Cemetery Improvement Association and Peter Wolf, Agent for Service of the "Lime Rock Citizens Council" by some proper officer making service upon, in the manner provided for service of process in civil actions of a true and attested copy of said Motion and of this Order at least ten (10) days prior to said date; and that return of such service be made to the above-named court at or before the time fixed for said hearing.

Notice of the Motion and the date and time of the Hearing shall also be published by the attached Legal Notice in the Lakeville Journal for two consecutive weeks and the Waterbury Republican-American on two consecutive Tuesdays and Saturdays.

(NS116708)

Dated at Litchfield, Connecticut, this 4 day of September, 2015

DANABORI J.

Mark Shee

Judge/Clerk

Deputy Chief Clerk

{NS116708}

LEGAL NOTICE

**NOTICE OF MOTION TO MODIFY INJUNCTION
AND STIPULATION BY LIME ROCK PARK, LLC**

By order of the Superior Court for the Judicial District of Litchfield at Litchfield, notice is hereby given that Lime Rock Park, LLC has filed a Motion to Modify Stipulation and Injunction in Ann Adams, et al. v. B. Franklin Vaill et al. Docket No. 15,549.

The Motion to Modify seeks to modify the terms of a permanent injunction entered into concerning Lime Rock Park in Salisbury, Connecticut. The injunction was first entered into by judgment in 1959 and was subsequently modified by the Superior Court in 1966, 1969 and 1988. The Plaintiffs to the action are: Ann Adams, Annie W. Fenker, Herbert Oscar Bergdahl, Earl W. Hubbard, Edgar Fry, Joseph W. Mallach, Agatha Mallach, Ralph McLellan, Florence McLellan, Jack Olsen, Annie M. Olsen, Grace Bergdahl, Herbert O. Bergdahl, Jr., Amy Fry, Edith Stone, Irma Varady, Elizabeth Hetherington, Lillian H. Roberts, Moritz Wallach, Walter Verrier, Ida Belle Thomas, Benjamin S. Arnstein, Grace Dunbar, all of Salisbury, Connecticut, Eleanor Lake of Sharon, Connecticut, Mary Lambert of Canaan, Connecticut, Helen Heffner of Suffern, New York, The Lime Rock Cemetery Improvement Association, Trinity Episcopal Church of Lime Rock and The Lime Rock Protection Committee, Inc. The defendant seeking to modify the injunction is Lime Rock Park, LLC.

Any persons who may claim to be a party to such action may appear and be heard at a hearing to be held at the Superior Court for the Judicial District of Litchfield at Litchfield, 15 West Street, Litchfield, Connecticut 06759 on October 26, 2015 at 9:30 a.m. The purpose of said hearing will be to consider and act upon Lime Rock Park LLC's Motion to Modify Stipulation and Injunction. The Motion is on file at the clerk's office for the Superior Court for the Judicial District of Litchfield at Litchfield under Docket Number 15, 149.

LIME ROCK PARK, LLC

By _____

{NS116708}

LIME ROCK CITIZENS COUNCIL
Re: Ann Adams, et al., v. B. Franklin Vaill, et al., No. 15,459

LIME ROCK CITIZENS COUNCIL (formerly known as the "Lime Rock Protection Association")
c/o Peter S. Wolf
45 White Hollow Rd.
Lakeville, CT 06039

August 26, 2015

By Registered Mail:

Mr. Brandon Pelegano, Chief Clerk of Court
Clerk's Office, Litchfield County Superior Court
15 West Street
Litchfield, CT 06759

With copies to:

By Email:

Ms. Georgia Blades
Lime Rock Park
60 White Hollow Rd.
Lakeville, CT 06039

By Hand Delivery:

Dr. Michael Klemens, Chairman
Salisbury Planning and Zoning Commission
Town Hall
Salisbury, CT 06068

Re: Ann Adams, et al., v. B. Franklin Vaill, et al., No. 15,459

Dear Mr. Pelegano,

Please be advised that a group of residents and concerned neighbors of Lime Rock have organized to form the LIME ROCK CITIZENS COUNCIL, LLP ("LRCC") with the purpose of promoting and protecting the interests of those adversely affected by the activities of Lime Rock Park, a motorsport road racing venue located in Lime Rock, Connecticut (the "Track"). The LRCC is a limited liability corporation established under the laws of the State of Connecticut (Business ID 1181805).

It recently has come to the attention of the LRCC that the Track intends to seek amendments to an Order and Injunction entered by the Superior Court of Litchfield County in 1959 (amended by stipulation in 1966 and 1988), in *Ann Adams, et al., v. B. Franklin Vaill, et al., No. 15,459* (the "Injunction"). This Injunction imposes significant restrictions on the Track's activities, which in

LIME ROCK CITIZENS COUNCIL
Re: *Ann Adams, et al., v. B. Franklin Vaill, et al., No. 15,459*

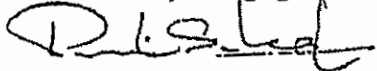
turn protect the rights and interests of those home owners, business owners, residents, and concerned citizens represented by the LRCC. The LRCC understands, on information and belief, that the entity that most recently represented the interests of Lime Rock's residents and neighbors in this court action, the "Lime Rock Protection Association, Inc." is no longer in existence. The LRCC therefore has formed to ensure that those interests are properly represented and vigorously protected.

Accordingly, the LRCC respectfully requests that the Clerk of Court provide notice to the LRCC of any activity on this docket (*Ann Adams, et al., v. B. Franklin Vaill, et al., No. 15,459*, a copy of which is attached hereto) or any action filed by or on behalf of the Lime Rock Park seeking to amend or challenge the provisions of the Injunction (as amended). Notice may be provided to the LRCC's legal agent, Peter Wolf of 45 White Hollow Road, Lakeville, CT 06039, (860-435-9411), and by email to: limerockcitizenscouncil@gmail.com.

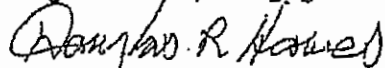
Please also be advised that should the Track decide to take any legal or administrative action to modify the terms of the 1959 Injunction (as amended), the LRCC fully intends to oppose any such action.

Sincerely,

Peter S. Wolf, Managing co-Founder



Douglas R. Howes, Managing co-Founder



On behalf of the LIME ROCK CITIZENS COUNCIL

OFFICE OF THE CLERK
SUPERIOR COURT
SEP 04 2015
JUDICIAL DISTRICT
OF LITCHFIELD

NO. 15,149 : SUPERIOR COURT
ANN ADAMS, ET AL. : J.D. OF LITCHFIELD
V. : AT LITCHFIELD
B. FRANKLIN VAILL, ET AL. : September 4, 2015

MOTION TO MODIFY INJUNCTION AND JUDGMENT

LIME ROCK PARK, LLC ("Lime Rock") respectfully represents that:

1. The defendant, Lime Rock is the operator of a race track in Salisbury, Connecticut known as Lime Rock Park.
2. Since the mid-1950's Lime Rock Park has held motor vehicle races and other activities such as hosting driving schools, car club events, automotive manufacturer testing, photo and publicity shoots, and other related activities at Lime Rock Park.
3. Since it began operation in 1957, Lime Rock Park has enjoyed a reputation as a premier racing facility, and it has always sought to host races and events at Lime Rock Park that allow it to operate as a leading motor vehicle racing facility in the northeast.
4. In 1959, a group of neighbors brought this action against Lime Rock's predecessor, alleging that excessive noise from the racing operations caused a nuisance to neighboring properties. Judgment entered for the plaintiffs and a permanent injunction was put in place restricting certain types of racing and related activities at certain times. Sunday racing was entirely prohibited.
5. The injunction has been modified several times over the years as circumstances and the parties have changed. The injunction was most recently modified in 1988 by stipulation of the plaintiff "Lime Rock Protection Committee, Inc." and Lime Rock's immediate

(N5117346)

predecessor in interest, Lime Rock Associates, Inc. (The original injunction and subsequent modifications are attached as Exhibit A.)

6. Lime Rock Protection¹ Committee Inc. was forfeited by the Connecticut Secretary of State in 1990. Despite the forfeiture of the party that entered into the stipulated injunction, Lime Rock has complied with the terms of the 1988 stipulated injunction to the present. The Trinity Episcopal Church and The Lime Rock Cemetery Improvement Association are still in existence, but, upon information and belief, the whereabouts of the other original parties to this action cannot be ascertained at the present time.

7. Since the time of the 1988 stipulated injunction the racing industry has changed significantly. Racing events that were once amateur events have become professional. The evolution of the racing industry, and the requirements of sanctioning bodies and media have resulted in far fewer major racing events each year, but they are much larger and more complex than previously. The length of each event has grown from two-day events with one day of racing to three- or four- day events, which must include practice, qualifying, and a main race and supporting races. Tracks like Lime Rock must now pay professional sanctioning bodies for the privilege of hosting a race weekend and the number of such major weekends available as a practical matter has been reduced to very few. As a result, the two-day events with one day of racing that used to be held at Lime Rock and similar tracks are no longer economically viable and far less common as the racing industry has changed. Under the terms of the present injunction, Lime Rock can only host such unmodified racing events on Fridays and Saturdays, (i.e. the event cannot include a Thursday or Sunday), which is not enough time to conduct the type of professional racing event that the sanctioning bodies now require.

8. Sunday is the usual day nationwide for conducting the feature race of an event; Lime Rock is the only motor vehicle racing track in the entire country that is prohibited from holding unmuffled races on Sunday. The current injunction that prohibits Sunday racing and activity of all kinds places Lime Rock at a severe competitive disadvantage in the race track industry and threatens Lime Rock's economic viability.

9. Under the current Injunction, Lime Rock can regularly conduct unmuffled events on Tuesday afternoons, but not on Thursdays or Sundays. Because major events require at least three or four days, and Sundays are currently prohibited, and for similar reasons with other events, Lime Rock seeks to be allowed to operate unmuffled activities on a very limited number of Thursdays instead of Tuesday afternoons that week. Modest extensions of Friday morning and Saturday afternoon operation times are also required. Lime Rock would also need to conduct unmuffled activities on two Sundays per year, one to act as a rainout date (which is a very rare occurrence) and one to host a major racing event. Under existing Connecticut law, no racing would be allowed before 12:00 p.m. on such Sundays.

10. With respect to muffled activities, pursuant to the instant Injunction, the non-major event muffled activities at Lime Rock Park are governed by Connecticut General Statutes §14-80(c) as amended, which effectively applies to Lime Rock the same standards as apply to ordinary motor vehicles on public roads. Lime Rock does not here seek to alter such standard. However, Lime Rock does seek to permit muffled activities on some Sundays to allow the track to stay economically competitive. Also contained within the boundaries of Lime Rock Park are small paved exercise and testing areas known as the "Upper Area" upon which only muffled vehicles operate, except during an unmuffled event.

11. The changes in facts and circumstances of the racing industry and business make modifications to the present injunction necessary that will allow Lime Rock to remain economically viable as a leading motor vehicle race track.

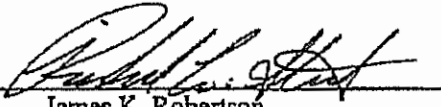
12. Specifically, Lime Rock seeks to modify the present terms of the injunction by (1) allowing it to have one Sunday per year of unmuffled racing activity after 12:00 p.m., and one Sunday per year when it may conduct unmuffled racing in the event that there is a weather postponement on a prior day; and (2) allowing muffled racing activity for twenty (20) Sundays per year; and (3) allowing a start time of 9:00 a.m. for muffled activity in the Upper Area on Sunday and at 12:00 p.m. on the asphalt race track, with all racing activity concluding by 6:00 p.m. on Sundays; and (3) changing the start time on Friday morning from 10:00 a.m. to 9:00 a.m. and on Saturday, changing the finish time from 6:00 p.m. to 7:00p.m.; and (4) allowing races on unmuffled Fridays in addition to the presently allowed unmuffled performance testing, qualifying and race preparation; and (5) reducing the number of Tuesdays that Lime Rock can conduct unmuffled racing activity from fifty-two (52) per year to twenty (20) per year, but allowing Lime Rock to conduct unmuffled activity, including racing, on five Thursdays per year from 9:00 a.m. to 6:00 p.m. instead of on the Tuesday of that week.

13. A proposed Order is attached hereto that specifically states the modifications to the injunction necessitated by the changes in the racing industry and the operations of the track.

Wherefore, the defendant, Lime Rock, moves that this Court schedule a hearing to allow Lime Rock to present evidence as to the facts, circumstances and equitable reasons that its Motion should be granted.

LIME ROCK PARK, LLC

By


James K. Robertson
Richard L. Street

For: Carmody Torrance Sandak
& Hennessey LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110
Telephone: 203-573-1200
Juris No. 08512
Its Attorneys

NO. 15,149 : SUPERIOR COURT
ANN ADAMS, ET AL. : J.D. OF LITCHFIELD
V. : AT LITCHFIELD
B. FRANKLIN VAILL, ET AL. :

PROPOSED ORDER

After a hearing held on the foregoing Motion, it is found that fairness and equity require that the Judgment and Injunction dated January 14, 1988 be modified as follows:

1. Once per year, Lime Rock Park may conduct unmuffled racing activity at the track on a Sunday. Additionally, once per year, Lime Rock Park may move a scheduled Saturday unmuffled race to a Sunday if weather conditions cause a postponement of a race scheduled for a prior day. Any Sunday unmuffled racing activity shall only be between 12:00 p.m. and 6 p.m. and loading may extend until 7:00 p.m.
2. During the ten Friday and Saturday weekend events that are allowed under Paragraphs III. b) and c) of the current injunction, unmuffled racing activity may be held at Lime Rock Park, Friday 9 a.m. to 7 p.m., and Saturday 9 a.m. to 7 p.m. Qualifying heats or races shall be permitted on Fridays. During these ten Friday and Saturday events, loading may extend until 8:00pm and the track loudspeakers may be utilized until 8 p.m.
3. Lime Rock may only have unmuffled racing car activity on twenty (20) Tuesdays per year between 12 p.m. and 6 p.m. instead of the fifty-two (52) Tuesdays allowed under the present injunction. However, on five (5) Thursdays per year, Lime Rock may have unmuffled racing car activity at the track between 9 a.m. and 6 p.m., including qualifying heats or races, but it shall not conduct unmuffled activity on Tuesday if it will utilize a Thursday that week.

(NS117346)

Qualifying heats or races shall be permitted on the ten Fridays and unmuffled activity shall be allowed to begin at 9am on those ten Fridays.

4. On twenty Sundays per year, Lime Rock shall be allowed to conduct muffled activity on the "Upper Area" between 9 a.m. and 6 p.m. and on the asphalt track between 12 noon and 6 p.m.

Judge/Clerk

STATE OF CONNECTICUT

ANN ADAMS, ANNIE W. FENKER, HERBERT OSCAR BERGDAHL, EARL W. HUBBARD, EDGAR FRY, JOSEPH W. MALLACH, AGATHA MALLACH, RALPH McLELLAN, FLORENCE McLELLAN, JACK OLSEN, ANNIE M. OLSEN, GRACE BERGDAHL, HERBERT O. BERGDAHL, JR., AMY FRY, EDITH STONE, IRMA VARADY, ELIZABETH HETHERINGTON, LILLIAN H. ROBERTS, MORITZ WALLACH, WALTER VERRIER, IDA BELLE THOMAS, BENJAMIN S. ARNSTEIN and GRACE DUNBAR, all of the Town of Salisbury, County of Litchfield and State of Connecticut, ELEANOR LAKE, of the Town of Sharon, County of Litchfield and State of Connecticut, MARY LAMBERT, of the Town of Canaan, in said County and State, HELEN HEFFNER, of Suffern, County of Rockland and State of New York, THE LIME ROCK CEMETERY IMPROVEMENT ASSOCIATION, a voluntary cemetery association organized and existing under the laws of the State of Connecticut and located in Lime Rock, in said Town of Salisbury, and TRINITY EPISCOPAL CHURCH OF LIME ROCK, a parish of the Protestant Episcopal Church in Connecticut, located in Lime Rock in said Town of Salisbury,

SUPERIOR COURT

VS.

LITCHFIELD COUNTY

B. FRANKLIN VAILL, of said Town of Salisbury, and THE LIME ROCK CORPORATION, a Connecticut corporation having its office and principal place of business in said Town of Salisbury,

MAY 12, 1959 ✓

Present: Hon. William J. Shea, Judge

This action, by writ and complaint, dated August 20, 1958, claiming a permanent injunction abating an alleged nuisance and such other and further relief as to equity might belong, came to this court on the first Tuesday of September, 1958, and thence to September 9, 1958 when by stipulation of the parties said writ and complaint were amended and Trinity Episcopal Church of Lime Rock was added as a party plaintiff, and thence to the present time, when the parties appeared and were at issue to the court as on file.

The court, having heard the parties, finds the issues for the plaintiffs and that the use of the defendants' hard surface race track for sport car racing should be subject to the following limitations:

I. All activity upon the track shall be prohibited on Sundays.

II. Muffled activity shall be permitted as follows:

- (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
- (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.

III. Activity with unmuffled engines may be permitted as follows:

- (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
- (B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.
- (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.
- (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.
- (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmuffled activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmuffled activity of the Tuesday next preceding the holiday shall be forfeited.
 - (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.

- (3) In no event shall any such holiday increase the number of Saturdays of permissible unmuffled activity beyond ten as provided in paragraph (B) above.

Whereupon it is adjudged that the defendants, and their servants and agents, be and they hereby are enjoined, each under a penalty of ten thousand dollars, against any further use of said race track for any purpose at any time in violation of the following limitations and restrictions:

I. All activity upon the track shall be prohibited on Sundays.

II. Muffled activity shall be permitted as follows:

(A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.

(B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.

III. Activity with unmuffled engines may be permitted as follows:

(A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.

(B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.

(C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.

(D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.

(E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.

- and that the plaintiffs recover of the defendants their costs, taxed at \$181.85.

Thomas J. McLaughlin
Clerk

1952

No. 15,459

ANN ADAMS ET AL

vs.

B. FRANKLIN VAILL ET AL

SUPERIOR COURT

LITCHFIELD COUNTY

MARCH 2, 1966

STIPULATION

The plaintiffs and the defendants in the above entitled action hereby stipulate and request that the judgment and injunctive order of May 12, 1959 be amended to read as follows:

The defendants and their servants and agents are hereby enjoined, each under a penalty of ten thousand dollars, against any further use of the sports car race track property at Lime Rock for any purpose at any time in violation of the following limitations and restrictions:

I. All activity of muffled or unmuffled racing cars upon the asphalt track or in the paddock areas shall be prohibited on Sundays.

II. Activity with muffled racing car engines shall be permitted as follows:

(A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.

(B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.

III. Activity with unmuffled racing car engines shall be permitted as follows:

(A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.

(B) On Saturdays, not more than ten (10) in number in each calendar year, between the hours of 9:00 a.m. and 6:00 p.m.

(C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified, provided that no qualifying heats or races shall be permitted on such Fridays.

(D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in Paragraphs (B) and (C) above.

(E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.

(1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmuffled activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmuffled activity of the Tuesday next preceding the holiday shall be forfeited.

(2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.

(3) In no event shall any such holidays increase the number of Saturdays of permissible unmuffled activity beyond ten as provided in Paragraph (B) above.

IV. Prohibited activity upon the track property shall include the revving or testing of muffled or unmuffled racing car engines on Saturdays and permitted holidays prior to 9:00 a.m. and after 6:00 p.m., excepting the transportation of said vehicles to and from the paddock areas or on or off their respective trailers, which transporting, unloading or loading shall not commence before 7:30 a.m. or extend beyond 7:30 p.m.

V. The use of the track loudspeakers before 8:00 a.m. and after 7:00 p.m. is prohibited.

VI. A "racing car" is defined as any car entered in an event on the asphalt track.

~ PLAINTIFFS

By Robert R. Roberg & Robert F. Roberg
Their Attorneys

~ DEFENDANTS

By Southwest & North Atlantic
Their Attorneys

No. 15,459

STATE OF CONNECTICUT

SUPERIOR COURT

ANN ADAMS, ANNIE W. FENKER, HERBERT
OSCAR BERGDAHL, EARL W. HUBBARD, EDGAR
FRY, JOSEPH W. MALLACH, AGATHA MALLACH,
RALPH McLELLAN, FLORENCE McLELLAN,
JACK OLSEN, ANNIE M. OLSEN, GRACE
BERGDAHL, HERBERT O. BERGDAHL, JR.,
AMY FRY, EDITH STONE, IRMA VARADY,
ELIZABETH HETHERINGTON, LILLIAN H.
ROBERTS, MORITZ WALLACH, WALTER
VERRIER, IDA BELLE THOMAS, BENJAMIN S.
ARNSTEIN and GRACE DUNBAR, all of the
Town of Salisbury, County of Litchfield
and State of Connecticut, ELEANOR LAKE,
of the Town of Sharon, County of Litchfield
and State of Connecticut, MARY LAMBERT, of
the Town of Canaan, in said County and
State, HELEN HEFFNER, of Suffern, County of
Rockland and State of New York, THE LIME
ROCK CEMETERY IMPROVEMENT ASSOCIATION, a
voluntary cemetery association organized
and existing under the laws of the State
of Connecticut and located in Lime Rock, in
said Town of Salisbury, and TRINITY
EPISCOPAL CHURCH OF LIME ROCK, a parish of
the Protestant Episcopal Church in Connecti-
cut, located in Lime Rock in said Town of
Salisbury,

VS.

LITCHFIELD COUNTY

B. FRANKLIN VAILL, of said Town of Salisbury,
and THE LIME ROCK CORPORATION, a Connecticut
corporation having its office and principal
place of business in said Town of Salisbury,

AUGUST 26, 1968

Present: Hon. Robert A. Wall, Judge

This action, by writ and complaint, dated August 20, 1958,
claiming a permanent injunction abating an alleged nuisance and
such other and further relief as to equity might belong, came to
this court on the first Tuesday of September, 1958, and thence to
September 9, 1958 when by stipulation of the parties said writ
and complaint were amended and Trinity Episcopal Church of Lime
Rock was added as a party plaintiff, and thence to the present
time, when the parties appeared and were at issues to the court
as on file.

The court, having heard the parties, finds the issues
for the plaintiffs and that the use of the defendants' hard
surface race track for sport car racing should be the subject to
the following limitations:

I. All activity upon the track shall be prohibited on Sundays.

II. Muffled activity shall be permitted as follows:

- (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
- (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.

III. Activity with unmuffled engines may be permitted as follows:

- (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
- (B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.
- (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.
- (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be re-scheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.
- (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmuffled activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmuffled activity of the Tuesday next preceding the holiday shall be forfeited.
 - (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.

- (3) In no event shall any such holiday increase the number of Saturdays, of permissible unmuffled activity beyond ten as provided in paragraph (B) above.

Whereupon it is adjudged that the defendants, and their servants and agents, be and they hereby are enjoined, each under a penalty of ten thousand dollars, against any further use of said race track for any purpose at any time in violation of the following limitations and restrictions:

- I. All activity upon the track shall be prohibited on Sundays.
- II. Muffled activity shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmuffled engines may be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year between the hours of 9:00 a.m. and 6:00 p.m.
 - (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified.
 - (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be re-scheduled for a "rain date" then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in paragraphs (B) and (C) above.
 - (E) On Memorial Day, Fourth of July, and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.

- (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmuffled activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmuffled activity of the Tuesday next preceding the holiday shall be forfeited.
- (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
- (3) In no event shall any such holiday increase the number of Saturdays of permissible unmuffled activity beyond ten as provided in paragraph (8) above.

And thence to March 2, 1966 when the plaintiffs and the defendants appeared through counsel and stipulated that the judgment and injunctive order of May 12, 1959 be amended as follows:

The defendants and their servants and agents are hereby enjoined, each under a penalty of ten thousand dollars, against any further use of the sports car race track property at Lime Rock for any purpose at any time in violation of the following limitations and restrictions:

- I. All activity of muffled or unmuffled racing cars upon the asphalt track or in the paddock areas shall be prohibited on Sundays.
- II. Activity with muffled racing car engines shall be permitted as follows:
 - (A) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - (B) Permissible mufflers are those which meet the standards set forth in Section 14-80 (c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmuffled racing car engines shall be permitted as follows:
 - (A) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - (B) On Saturdays, not more than ten (10) in number in each calendar year, between the hours of 9:00 a.m. and 6:00 p.m.

- (C) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified; provided that no qualifying heats or races shall be permitted on such Fridays.
- (D) In the event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in Paragraphs (B) and (C) above.
- (E) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
- (1) In the event any of said holidays falls on a Tuesday, Thursday, or a Friday, there may be unmuffled activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in that event the permissible unmuffled activity of the Tuesday next preceding the holiday shall be forfeited.
- (2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
- (3) In no event shall any such holidays increase the number of Saturdays of permissible unmuffled activity beyond ten as provided in Paragraph (B) above.

IV. Prohibited activity upon the track property shall include the revving or testing of muffled or unmuffled racing car engines on Saturdays and permitted holidays prior to 9:00 a.m. and after 6:00 p.m., excepting the transportation of said vehicles to and from the paddock areas or on or off their respective trailers, which transporting, unloading or loading shall not commence before 7:30 a.m. or extend beyond 7:30 p.m.

V. The use of the track loudspeakers before 8:00 a.m. and after 7:00 p.m. is prohibited.

VI. A "racing car" is defined as any car entered in an event on the asphalt track.

And thence by continuance to the 26th day of July, 1968 when the plaintiffs filed a motion for Modification of the Judgment and Injunctive Order entered by the Court on May 12, 1958 as amended by a stipulation entered into by the parties on March 2, 1966 and thence to the present time when the parties

appeared and were at issue to the Court as on file.

The Court having heard the parties finds the issues for the plaintiffs.

Whereupon it is adjudged that the Judgment and Injunctive Order of March 2, 1966 be modified to prohibit the operation and use of unmuffled motor vehicles on the Lime Rock Race Track and the defendants cease and desist immediately from sponsoring the racing of said unmuffled vehicles.

Wool

JUDGE

Connecticut
District
Litchfield

11.

I, DAVID C. BRISTOL, Chief Clerk of the Judicial District of Litchfield and of the Superior Court of said State within and for said Judicial District, which is a Court of Record, and Keeper of the Seal thereof, DO HEREBY CERTIFY that the within and foregoing is a true copy of JUDGMENT, dated August 26, 1968, in file #Q1.54.59..... Ann. Adams, et. al vs. B. Franklin Vail, et. al.....

In Testimony Whereof I have hereunto set my hand and the Seal of said Superior Court at Litchfield, in said Judicial District, this 29th day of August 19 86.

David C. Bristol

Clerk.

Assistant Clerk.

Howd. Lavieji & Finch
434 Prospect Street • Post Office Box 839 • Torrington, Connecticut 06790-0839
Phone (203) 496-0889 • Juris No. 101150

OFFICE OF THE CLERK
SUPER.

NO. 15,459 : SUPERIOR COURT
ANN ADAMS, ET AL : JUDICIAL DISTRICT OF LITCHFIELD
VS. : AT LITCHFIELD
B. FRANKLIN VAILL, ET AL : JANUARY 14, 1988

S T I P U L A T I O N

WHEREAS, the court entered a judgment and injunctive order dated May 12, 1959, which order was amended on March 2, 1966 and on August 26, 1968 and

WHEREAS, the plaintiff, Lime Rock Protection Committee, Inc. and the defendant, Lime Rock Associates, Inc., desire to make certain changes in the judgment and injunctive order including adding a restriction against motorcycle racing, and modifying the injunction due to the 1969 change in language of Connecticut General Statute Sec. 14-80(c); and

WHEREAS, notice to all other parties has been provided by mail to all counsel of record;

NOW THEREFORE, the plaintiff, Lime Rock Protection Committee, Inc., and the defendant, Lime Rock Associates, Inc., hereby stipulate and request that the judgment and injunctive order dated May 12, 1959 and amended March 2, 1966 and on August 26, 1968 be to read as follows:

MAR 9 9 26 AM '88
JUDICIAL DISTRICT OF
LITCHFIELD
STATE OF CONNECTICUT

61

- I. All activity of mufflered or unmufflered racing cars upon the asphalt track or in the paddock areas shall be prohibited on Sundays.
- II. Activity with mufflered racing car engines shall be permitted as follows:
 - a) On any weekday between 9:00 a.m. and 10:00 p.m. provided, however, that such activity may continue beyond the hour of 10:00 p.m. without limitation on not more than six (6) occasions during any one calendar year.
 - b) Permissible mufflers are those which meet the standards set forth in Section 14-80(c) of the General Statutes of Connecticut, Revision of 1959, or as the same may be amended from time to time.
- III. Activity with unmufflered racing car engines shall be permitted as follows:
 - a) On Tuesday afternoon of each week between 12:00 noon and 6:00 p.m.
 - b) On Saturdays, not more than ten (10) in number in each calendar year, between the hours of 9:00 a.m. and 6:00 p.m.
 - c) On the ten (10) Fridays which precede the said ten (10) Saturdays between the hours of 10:00 a.m. and 6:00 p.m. for the purpose of testing, qualifying or performing such other activities as may be necessary or incidental to the direct preparation for races on the Saturdays specified, provided that no qualifying heats or races shall be permitted on such Fridays.
 - d) In such event the scheduled activity for any of the said ten (10) Saturdays must be rescheduled for a "rain date", then the said "rain date" and the Friday preceding it shall not be considered as one of the ten (10) days referred to in Paragraphs b) and c) above.
 - e) On Memorial Day, Fourth of July and Labor Day between the hours of 9:00 a.m. and 6:00 p.m.
 - 1) In the event any of said holidays falls on a Tuesday, Thursday or a Friday, there may be

Howd. Lavieri & Finch

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Phone (203) 496-0889 • Juris No. 101150

unmuffled activity on the day preceding the holiday between the hours of 12:00 noon and 6:00 p.m., but in the event the permissible unmuffled activity of the Tuesday next preceding the holiday shall be forfeited.

- 2) In the event any of said holidays falls on a Sunday, the next day (Monday) will be considered the holiday for these purposes.
 - 3) In no event shall any such holidays increase the number of Saturdays of permissible unmuffled activity beyond ten (10) as provided in Paragraph b) above.
- IV. Prohibited activity upon the track property shall include the revving or testing of muffled or unmuffled car engines on Saturdays and permitted holidays prior to 9:00 a.m. and after 6:00 p.m., excepting the transportation of said vehicles to and from the paddock areas on or off their respective trailers, which transporting, unloading or loading shall not commence before 7:30 a.m. or extend beyond 7:30 p.m.
- V. The use of the track loudspeakers before 8:00 a.m. and after 7:00 p.m. is prohibited.
- VI. A "racing car" is defined as any car entered in an event on an asphalt track.
- VII. Racing of motorcycles is prohibited. Nevertheless, specifically permitted are non-racing motorcycle activities including but not limited to demonstrations, instruction, timing, testing, practice and photography.

LIME ROCK PROTECTION COMMITTEE, INC.

by Joan C. Bergdoll Pres.

LIME ROCK ASSOCIATES, INC.

by [Signature] Pres.

Howd. Lavieri & Finch
434 Prospect Street • Post Office Box 839 • Torrington, Connecticut 06790-0839
Phone (203) 496-0889 • Juris No. 80150
OFFICE OF THE CLERK
SUPERIOR COURT

NO. 15,459

ANN ADAMS, ET AL

VS.

B. FRANKLIN VAILL, ET AL

SUPERIOR COURT

JUDICIAL DISTRICT OF LITCHFIELD AT LITCHFIELD

MARCH 3, 1988

MOTION TO AMEND JUDGMENT

The defendant, Lime Rock Associates, Inc., moves that the judgment in this matter be amended in accordance with the Stipulation annexed hereto.

DEFENDANT, LIME ROCK ASSOCIATES, INC.:

BY John W. Pickard
John W. Pickard

O R D E R MARCH 21, 1988

The foregoing motion having been duly presented and heard, it is hereby
ORDERED: GRANTED/~~DENIED~~.

JANO NOICE SEVT
3/21/88 CLM

BY THE COURT: (DRANOWIS, J.)
Richard T. Fehell
Asst. Clerk

I hereby certify that a copy of the foregoing has been mailed to counsel of record this 3rd day of March, 1988.

John W. Pickard
John W. Pickard

March 8, 1988
2500 pt.
Receipt #003935
M. Cleveland

1	TOWN OF SALISBURY	
2	PLANNING & ZONING COMMISSION PUBLIC HEARING	
3	----- X	
4		
5	IN RE:	
6	Proposed Section 221.1	
7	Track for Racing Motor Vehicles	
8		
9	----- X	
10		
11		
12		
13	HELD ON:	Tuesday, September 8, 2015
14		at 6:45 p.m.
15	HELD AT:	Salisbury Town Hall
16		27 Main Street
17		Salisbury, CT
18		
19		
20		
21		
22		
23		
24	Court Reporter Viktoria V. Stockmal,	
25	License #00251,	
	a Notary Public in and for the State of Connecticut	

ALLAN REPORTING SERVICES
(860) 693-8557

1 TOWN OF SALISBURY

2 PLANNING & ZONING COMMISSION PUBLIC HEARING

3 ----- X

4
5 IN RE:

6 Proposed Section 221.1

7 Track for Racing Motor Vehicles

8
9 ----- X

10

11

12

13 HELD ON: October 19, 2017
14 at 6:58 p.m.

15 HELD AT: Salisbury Town Hall
16 27 Main Street
Salisbury, CT

17

18

19

20

21

22

23

24 Court Reporter Viktoria V. Stockmal,
License #00251,
25 a Notary Public in and for the State of Connecticut

ALLAN REPORTING SERVICES
(860) 693-8557

1 MR. KLEMENS: That's fine, Mr. Hollister. The
2 next ten minutes is reserved for Lime Rock Park.

3 Mr. Robertson, you have to use --

4 MR. ROBERTSON: Thank you. Good evening
5 Mr. Chairman, members of the Commission, ladies and
6 gentlemen. I would like to use this ten minute
7 opportunity really to answer the three questions that
8 Attorney Andres submitted to me. And the answer consists
9 of a general answer and then three more specific answers.

10 The general answer is this: You put into
11 evidence four sets of regulations but you neglected to
12 put in the set of regulations that I think controls the
13 legal issues involved in this situation. To understand
14 that, we're going to go through a three step process of
15 zoning regulations which get into some of the unique
16 aspects of zoning law. But please bear with me.

17 Step number one is the track was up and running
18 before zoning was enacted in this town. And we put in
19 evidence to that. In 1959 two things happened. One,
20 zoning came in generally into this town; and secondly,
21 this Commission in 1959 established a rural enterprise
22 district and promulgated very specific regulations about
23 what was to be done in that rural enterprise district.
24 What governs this are the 1959 zoning regulations, not
25 the regulations that came many years later.

1 So the first exhibit that I want to put in is a
2 copy of Section 8 of the 1959 regulations. I think we
3 all have a copy of that. Section 8 pertains to what is a
4 permitted use in this rural enterprise zone in 1959.
5 When we say permitted use, this is a use that is
6 permitted as a matter of right. It's very, very
7 important in zoning law, as we get into some existing
8 uses, nonconforming uses, there are a lot of terms being
9 thrown around here. But this track is operating, as
10 Section 8 is titled, uses permitted in this district.

11 Now if you go to second page and go to Section
12 8.1.17 of the zoning regulations of 1959 of the town
13 establishing this district, it provides that a use
14 permitted as a matter of right is a track for racing
15 motor vehicles. It goes on for racing, for automotive
16 education, for research and safety, and so on and so
17 forth.

18 From 1959, the Lime Rock Park has been a
19 permitted, as a matter of right, use in this area.
20 That's why at no time in the last 50 years or so has
21 there ever been a request for a special permit. It's a
22 permit as a matter of right.

23 Now let me just go through a couple more steps.
24 The permitted as a matter of right nature of that was
25 referred to in a series of Zoning Commission reports and

1 studies; and I will put in as another exhibit the
2 planning meeting of April 19th of 2011 in which it is
3 described as a use permitted under the zoning
4 regulations.

5 That means that this track is permitted as a
6 matter of right to operate a track in this district. If
7 another track came in, then perhaps you could get some
8 sort of a non-conforming use out of it, but not this
9 track.

10 There's another aspect to the 1959 regulations.
11 If you go back to page 2, remember this is 1959. The
12 statute of the State of Connecticut in which the General
13 Assembly and the governor signed, a law, saying that race
14 tracks can have racing seven days a week. That's the
15 state law. It was passed in 1935. That's the law that
16 was on the books when this Commission and this town
17 enacted the enterprise zone. So if you look at 8.1.17.1,
18 it says -- this Commission says, no races shall be
19 conducted on any such track except during such hours as
20 are permitted by statute. And the statute says racing
21 tracks can run races seven days week; and the only
22 exception is Sunday morning unless the legislative body
23 wants to grant a longer period.

24 So the answers to your questions, Mr. Andres,
25 are as to this client and this operator, this is a

AFFIDAVIT OF PUBLICATION

STATE OF CONNECTICUT
County of New Haven

Waterbury

July 22nd

20 16

The subscriber, being duly sworn, deposes and says that he (she) is the butcher
of the Republican-American and that the foregoing notice for
SALISBURY, TOWN OF

was published in said Republican-American in 1 edition of said newspaper issued between 11/24/15 and 11/24/15

LEGAL NOTICE
TOWN OF SALISBURY CT
DECISION OF THE PLANNING &
ZONING COMMISSION

APPROVING AMENDMENTS TO
THE SALISBURY ZONING REGULATIONS CONCERNING A TRACT
FOR RACING MOTOR VEHICLES
SALISBURY CT 06002

Notice is hereby given that at a meeting of the Planning & Zoning Commission of the Town of Salisbury, Connecticut on November 18, 2015, it was voted to approve the adoption of amendments to the Salisbury Zoning Regulations adding Section 22.1.1 of sec. TRACK FOR RACING MOTOR VEHICLES, as amended, in lieu of the existing Section 22.1.2, by adding a definition of "Motor Vehicle," and by amending Zoning Tables 208.2 and 208.3. The effective date of the amendments is December 1, 2015.

Town of Salisbury Planning & Zoning Commission
Marilyn Whalen, Secretary
RA November 24, 2015.

Public

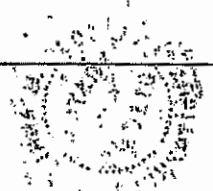
SUBSCRIBED AND SWORN BEFORE ME THIS THE 22nd

day of July 2016

Luann Plod

Notary Public

My Commission Expires: 8/31/17



1994 WL 547537

Only the Westlaw citation is currently available.

UNPUBLISHED OPINION. CHECK
COURT RULES BEFORE CITING.

Superior Court of Connecticut, Judicial
District of Hartford/New Britain at Hartford.

BARBERINO REALTY & DEVELOPMENT CORP.

v.

TOWN PLAN AND ZONING COMMISSION
OF the TOWN OF FARMINGTON.

No. CV 93 0526841 S.

|
Sept. 23, 1994.

MEMORANDUM OF DECISION

LEHENY, Judge.

*1 This action concerns an appeal by the plaintiff, Barberino Realty & Development Corp. (hereinafter "Applicant"), from the decision of the defendant, Town Plan and Zoning Commission of the Town of Farmington (hereinafter "Commission"), denying its application for a zone change, approval of a site plan, and approval of an affordable housing project. The project consists of 267 units of housing to be constructed on 54.9 acres pursuant to General Statutes, Sec. 8-30g.

The Applicant had filed an affordable housing application on February 26, 1992 which the Commission denied. The Applicant filed a modified proposal which the Commission also denied. The Applicant then filed another modified proposal on March 24, 1993 which is the subject of this appeal. The application sought a zone change from the R-40 zone to the affordable housing zone ("AH Zone") pursuant to Article II, Sec. 25 of the Farmington Zoning Regulations. (ROR, Exhibit o, p. 62.) The Applicant stated that "[t]his application is submitted as an 'affordable housing application' pursuant to Public Act 89-311, Section 8-30g. The Applicant will meet all of the requirements and comply with all of the restrictions imposed by the Act." (ROR, Exhibit a.) The Applicant proposed that 89 of the 267 units, or 33# percent, would contain a deed restriction and/or covenant

to insure compliance pursuant to General Statutes, Sec. 8-30g(a)(1)(B). (ROR, Exhibit h-13.)

On April 26, 1993 the Commission held a public hearing. On June 7, 1993, the Commission denied the application. The Commission based its reasons for denial on criteria set forth in the Zoning Regulations, to wit: Article II, Sec. 25 concerning the affordable housing zone, and Article IV, Sec. 12 concerning standards for granting a change of zone. (ROR, Exhibit o, pp. 62-68; 91.)

On June 18, 1993 the Applicant filed this appeal alleging that the Commission's action was arbitrary, capricious, unsupported by the record evidence, and an abuse of discretion, illegal and in violation of sec. 8-30g.

The Affordable Housing Land Use Appeals Act, codified in General Statutes, Sec. 8-30g, became effective in 1990. The Act modifies the procedure of judicial review of certain land use appeals to the Superior Court. The land use appeals affected are those in which the development proposed includes a certain percentage of affordable housing as defined by the Act. Once the appeal is taken, the burden of proof of traditional zoning practice, which rests on the appellant, no longer applies. Section 8-30g(c) provides as follows:

Upon an appeal taken under subsection (b) of this section, the burden shall be on the commission to prove, based upon the evidence in the record compiled before such commission that (1) the decision from which such appeal is taken and the reasons cited for such decision are supported by sufficient evidence in the record; (2) the decision is necessary to protect substantial public interests in health, safety, or other matters which the commission may legally consider; (3) such public interests clearly outweigh the need for affordable housing; and (4) such public interests cannot be protected by reasonable changes to the affordable housing development. If the commission does not satisfy its burden of proof under this

subsection, the court shall wholly or partly revise, modify, remand or reverse the decision from which the appeal was taken in a manner consistent with the evidence in the record before it.

*2 The reasons for the Commission's decision must be supported by "sufficient evidence." The legislative history of the statute demonstrates that the legislature considered the evidentiary standard it set. In response to a colleague's question as to the meaning of sufficient evidence, and how it might relate to such standards as "fair preponderance of the evidence," "more probable than not," and "clear and convincing evidence," Representative Tulisano said, "[It is] enough evidence to reach a particular conclusion. It is in fact a new system we're developing here today. It is none of the three.... It is not a very high standard whatsoever ... something has to be there and they will have sustained their burden. It is in fact a very easy thing to do." 32 H.R.Proc, Pt. 30, 1989 Sess., p. 10578-10579. Later during the debate, Representative Nickerson noted a change in the file copy, namely, the substitution of the word "sufficient" for the word "substantial" and asked what effect that change would make. The following exchange occurred:

Representative Cibes: [A]s I believe Representative Tulisano explained well, it lowers the level which must be satisfied....

Representative Nickerson: That sufficient evidence would be a lower standard than substantial evidence, is that correct?

Representative Cibes: [Y]es.

Representative Nickerson: The determination as to what is sufficient if we adopt the amendment or substantial if we adopt the file as amended, though, would be in the hands of the Appeals Court, not in the municipal body making the initial decision, is that correct ...?

Representative Cibes: [T]hat is correct.... Id., p. 10618-10620

Immediately following the foregoing exchange, Representative Nickerson inquired as to the substitution of the word "substantial" for "vital" in the file copy

where the bill describes the interest to be protected. Representative Cibes replied, "[T]he intention is to lower the burden of proof for the community, to lower the level of interest which is required." Id., 10620. Later he added, "[t]he intent here it to ratchet down the level of interest that is required for the commission to demonstrate that it is correct." Id., 10621.

An affordable housing development is defined as a "proposed housing development (A) which is assisted housing or (B) in which not less than twenty per cent of the dwelling units will be conveyed by deeds containing covenants or restrictions which shall require that such dwelling units be sold or rented at, or below, prices which will preserve the units as affordable housing as defined in section 8-39a, for persons and families whose income is less than or equal to eighty per cent of the area median income, for at least twenty years after the initial occupation of the proposed development...." (General Statutes, Sec. 8-30g(1).)

Section 8-30g(a)(2) provides that " 'an affordable housing application' " means any application made to a commission in connection with an affordable housing development by a person who proposes to develop such affordable housing...."

*3 The Act permits an appeal by "[a]ny person whose affordable housing application is denied or is approved with restrictions which have a substantial adverse impact on the viability of the affordable housing development or the degree of affordability of the affordable dwelling units...." Sec. 8-30g(b). Standing involves a question of legal status. One must have some real interest in the cause of the action, or a legal or equitable right, title or interest in the subject matter of the controversy. *Mobil Oil Corp. v. Zoning Board of Appeals*, 35 Conn.App. 204, 208 (1994); *Investors Mortgage Co. v. Rodia*, 31 Conn.App. 476, 479 (1993).

Section 8-30g(b) also states that "[e]xcept as otherwise provided in this section, appeals involving an affordable housing application shall proceed in conformance with the provisions of ... sections 8-8...." Under traditional zoning appeals practice there must be an aggrieved party in order for the court to have jurisdiction to hear the appeal. The party claiming aggrievement must demonstrate a specific personal and legal interest in the subject matter of the decision as distinguished from a general interest, such

as is the concern of all members of the community as a whole. In addition, the party must establish that this specific personal and legal interest has been specially and injuriously affected by the decision. *Walls v. Planning & Zoning Commission*, 176 Conn. 475, 478, 408 A.2d 252 (1979).

Steven Barberino, Jr., President of Barberino Realty & Development Corp., testified that the corporation owned the subject property at the time of the application through the present. He submitted deeds evidencing ownership. The owner of the property which forms the subject matter of the application is always aggrieved. *Bossert v. Norwalk*, 157 Conn. 279, 285, 253 A.2d 39 (1968). Therefore, the Applicant has fulfilled the requirements of standing and aggrievement.

Before discussing the reasons advanced by the commission in its denial, it is well worth looking to the circumstances surrounding the enactment of section 8-30g. A "Blue Ribbon Commission on Housing," established by the then Governor William A. O'Neill and the General Assembly, proposed the affordable housing appeals procedure in its final report in 1989. The Commission was aware of *Huntington Branch NAACP v. Town of Huntington*, 844 F.2d 926 (2d Cir.1988), *aff'd* 488 US 15, reh. den. 488 US 1023 (1988). In that case, the court utilized a test which was adopted by the Third Circuit in *Resident Advisory Board v. Rizzo*, 564 F.2d 126 (3d Cir.1977), cert. denied 435 U.S. 908 (1978). Both cases involved challenges by low income and minority persons whose housing needs were frustrated by local action. The balancing test which the commission must perform in subsection (c) of the Act is similar to the Huntington-Rizzo test, namely that the reasons for denial are bona fide and legitimate, and no less discriminatory alternative exists to serve those ends. The *Huntington* court also divided the second test into two parts, namely, those justifications which are "site specific" and those which are "plan specific." "Plan specific" problems can be resolved with less discriminatory design modifications, for instance, while "site specific" problems warrant review based on whether they are bona fide and legitimate. These tests, as Judge Berger pointed out in *Wisniewski v. Berlin Planning Commission*, 10 Conn.L.Rptr. No. 9, 266 (December 13, 1993) *Wisniewski v. Berlin Planning Commission*, 10 Conn.L.Rptr. No. 9,

266 (December 13, 1993) correspond to sections 8-30g(c)(2), (c)(3) and (c)(4).

*4 Given this framework, the court turns to a discussion of the reasons given by the commission for its denial of the application.

1. Criteria: That the road network, to include intersections, impacted by the proposed development will be capable of satisfactorily handling the increased traffic generated by such use. (See ROR, Exhibit o, Article IV, sec. 12 B.4.)

The Commission unanimously finds that the traffic study submitted by F.A. Hesketh and Associates, Inc. indicates that the intersections of Morea Road/Meadow Road and Coppermine Road with Plainville Avenue are currently experiencing peak hour delays, with most traffic at the Morea Road/Meadow Road intersection waiting for two or more changes of the traffic signal during the heaviest traffic periods. Members further find that without the submission of a detailed plan to improve these intersections the additional traffic generated by 267 dwelling units would further worsen this substantiated congestion. Any future plan submitted should also include a design for acceleration and deceleration lanes at the proposed driveway locations with Plainville Avenue which fact was recognized by the applicant's traffic consultant.

(ROR, Exhibit j)

The proposed development of 267 units would be situated on the west side of Plainville Avenue, also known as Route 177, a two lane state maintained highway which runs generally in a north-south direction. At the intersection approximately one-quarter mile south of the proposed entrance to Strawberry Cobble, Morea Road from the west joins Meadow Road from the east.

On April 26, 1993 F.A. Hesketh, the applicant's traffic planner and engineer, prepared a traffic study for submission by the applicant to the defendant commission (ROR Exhibit h-1, incorrectly dated April 26, 1992.) The sections of the road near the proposed site is level and the roadway geometry permits sight distance in excess of 800 feet in each direction. (Id., p. 2). Approximately 12,700 vehicles per day utilize the road in that area. Congestion occurs at the intersection of Meadow Road and Morea Road such that "most traffic on all approaches [waits] for

two or more changes of the traffic signal light during the heaviest traffic periods.” (Id., p. 8). The report bases its conclusions of the traffic impact of Strawberry Cobble on studies of the Institute of Transportation Engineers published in Spring 1991. The report predicts that a total of 2430 trips would be added to Route 177 in a twenty-four hour period. This prediction understandably raised safety concerns of the commissioners and area residents.

Hesketh proposed various ways to alleviate the congestion. He believed that his recommended improvements together with the improvements the State Traffic Commission (hereinafter, “STC”) would require would accommodate the additional traffic within the local roadway system. (ROR, Exhibit h-1, p. 8-11.)

§ General Statutes, Section 14-298 provides that there shall be a state traffic commission within the department of transportation which is the traffic authority charged with regulating traffic on highways under its jurisdiction. Section 14-311 provides that “[n]o person, firm [or] corporation ... shall build any ... development generating large volumes of traffic, having an exit or entrance on, or abutting or adjoining, any state highway or substantially affecting state highway traffic within this state until such person ... has procured from the state traffic commission a certificate that the operation thereof will not imperil the safety of the public.” Under the statutory scheme, the developer must seek such a certificate. The STC must consider highway safety, traffic density, character of the traffic, character of the highway and the findings of the local traffic control authority of the municipality. (Section 14-311(d).) Compliance is assured in that no building permit will issue until the municipal building official receives the certificate. (Section 14-311(b).) If the STC determines that the highway must be improved to handle the additional volume the developer is required to pay one hundred per cent of the costs of improvement. (Section 14-311(d).)

*5 The plaintiff argues that the commission cannot base its denial on the impact of the development on traffic because the municipality is pre-empted from regulating this interest. In *Manchester Sand & Gravel Co. v. South Windsor*, 203 Conn. 267, 524 A.2d 621 (1987) the court held that a local ordinance prohibiting through truck traffic on certain roads was pre-empted by § section

14-298 which reserves regulation of through truck traffic to the STC.

The court has also held that where a zoning authority is acting in its legislative capacity on an application for a change of zone, it must deny the zone change where “a change of zone ... is dependent for its proper functioning on action by other agencies and over which the zoning commission has no control....” *Jarvis Acres, Inc. v. Zoning Commission*, 163 Conn. 41, 50, 301 A.2d 244 (1972). Where the commission is considering a site plan, however, it may not consider those offsite traffic problems which fall within the purview of the STC. *Compounce Associates v. Southington Planning and Zoning Commission*, Superior Court, Judicial District of Hartford-New Britain at New Britain No. 433603 (June 28, 1991, Holzberg, J.).

In its denial, the commission stated that the applicant should submit a more detailed plan to improve the intersections. It stated that the design should also include acceleration and deceleration lanes at the proposed driveway locations with Plainville Avenue. (Route 177.)

Hesketh proposed various ways to alleviate the congestion. He stated that he believed the STC would require “appropriate speed change lanes consisting of a left turn lane for through northbound traffic to have the ability to by-pass traffic which may be slowing or stopped to turn into Strawberry Cobble and a southbound speed change lane to accommodate right turning traffic entering the facility.” (ROR Exh. h-1, p. 14.) He also suggested the use of stop signs, widened shoulders on both sides of Route 177 and the improvement of the existing turning lanes at the Meadow Road-Morea Road-Route 177 intersection. (Id., p. 15-16). He believed that his recommended improvements together with the improvements the STC would require would accommodate the additional traffic within the local roadway system. (Id., p. 8.)

The Commission argues that there was no evidence before the Commission that improvements would be made to the road network. It argues that the Applicant produced no evidence as to what the STC would do. The Commission was without legal authority to specify the changes to be made to the roadway, including curb cuts and driveways entering Route 177. (Fuller, *Land Use Law and Practice*, (1993) Section 49.16, p. 816.) The Commission, however,

could have conditioned its approval of the application upon the Applicant's obtaining a certificate of approval from the STC. General Statutes, Sec. 14-311 calls for Farmington's participation in the process of developing traffic flow improvements.

*6 The Commission failed to meet its burden of proof that the public interest cannot be protected by reasonable changes to the proposed development. Accordingly, this reason is insufficient to sustain a denial.

2. Criteria: That traffic circulation within the site and the amount, location and access to parking is adequate, and adequate sight distance is provided for all proposed and existing driveways. (See ROR, Exhibit o, Article IV, section 12.B.3.)

The Commission unanimously finds that a number of the proposed cartways were designed to serve an excessive amount of dwellings resulting in a safety hazard due to their narrow width and dead end nature.

(ROR Exhibit j)

At the public hearing on April 26, 1993, Robert Donald, of Donald Planning and Developing, Inc., the Applicant's planning expert, described the cartway system which provides access to several of the single-family units from the public street, Snowberry Way, and from the private streets within the development. As shown on the plans, (ROR, Exhibit 1, map 7 of 12) a private street is 22 feet wide and a cartway is 18 feet wide. Donald reviewed comments in a staff report entitled "Planning and Zoning Review" dated April 14, 1993. (This report was not made part of the Return of Record.) Donald agreed that "the cartway to the west of the multi-family" could be modified so that "the first four houses could be served by a private street, widening that area for the first four houses and the remaining four houses could be served by the cartway ... and there is adequate space to do that without any problems" (There are actually nine houses having access to that cartway.) (ROR, Exhibit p, p. 13.) Commissioner Chaffee asked whether a "fire truck having gained access to the furthest (sic) house on a cartway would have to back out?" Donald agreed that it might and added, "[w]e discussed this with the Fire Marshall given the lengths of the cartways and the number of houses he does not see any problem. This is exactly the same system which was approved in Coppermine Village and it's been working for probably years." (Id., p. 17.)

Under questioning from Commissioner Cowles, Donald stated that the plans showed that the cartway system to the west of the multi-family residential area served nine units, whereas other cartways served no more than six. He reiterated that the nine-unit cartway plan would be modified "to change the approach to a private street up to the last four units ... and provide ... a hammerhead turn." (Id.) He agreed that at Coppermine Village, an earlier development in Farmington, the largest number of units served by a cartway might be six, if not five.

There is no written document or verbal statement from the Fire Marshall in the record which controverts Donald's representations to the Commission. Aside from the nine-unit cartway, it is unclear what the Commission meant when it said "... the cartways were designed to serve an excessive amount of dwellings." (ROR, Exhibit j.) This reason implies that there is a number of dwellings the Commission believes could be safely served by a cartway. There is no evidence in the record to support the statement that the "narrow width and dead end nature" result in a safety hazard. While conceptually this might be the case, the court cannot draw that conclusion from the record evidence. No objection was voiced by a commissioner to Donald's statement that "exactly the same system ... was approved in Coppermine Village and it's been working for probably years...." (ROR, Exhibit p, p. 17.) The Commission failed to demonstrate that the public interest in safety could not be protected by reasonable changes to the development. It did not make a record to meet its burden of proof with regard to this reason for denial.

*7 It is unclear from the record whether or not the commission considered the proposed modification suggested verbally by Donald with regard to the nine-unit cartway. The court, therefore, does not sustain this reason for denial. It directs, however, that the plan as to the nine-unit cartway be modified consistent with Donald's representation.

3. Criteria: That the i) basic design of the proposed use(s) or buildings: (sic) ii) relationship between the buildings and the land; (sic) and iii) overall physical appearance of the proposed use(s) or buildings will be in general harmony with the character of the surrounding neighborhood and will not serve to blight or detract from abutting residence or other property. (See also ROR, Exhibit o, Article IV, section 12B.5)

The Commission unanimously finds that the density, scope and size of the proposed development is incompatible with the surrounding R40 zoning district which has been uniformly developed at a density of one unit per acre. The design of the single family housing on very small lots, particularly along Plainville Avenue, is inappropriate with the area and is not in harmony with the adjacent Portage Crossing subdivision. Members further find that the multiple family housing proposed at three stories is inconsistent with the scale of the surrounding single family homes.

(ROR, Exhibit j.)

The Applicant applied for a zone change from the R40 zone to the AH (Affordable Housing) zone as designated in Article II, Sec. 25 of the Farmington Zoning Regulations. It is, in effect an overlay zone which permits the construction of affordable housing if certain criteria are met. Section 25 allows the submission of "an Affordable Housing Zone designation ... for a parcel of land or part thereof located in any business, industrial or residential zone with the exception of the R80 Zone R40:

dwellings permitted
 minimum lot size
 maximum height
 minimum floor area
 minimum frontage
 minimum front yard
 minimum side yard
 minimum rear yard

and which contains the minimum area set forth in this regulation." (ROR, Exhibit o, p. 62-63.)

The plaintiff filed his application for a change of zone with a site plan as required. Subsection E.1. of Section 25 states that "[a] parcel of land may be designated within the Affordable Housing Zone if its size is equal to or greater than four (4) acres." (Id., p. 63.) Permitted uses include single family dwellings and multiple family dwellings. (Id., p. 62.) All uses allowed by special permit in the R40 zone are allowed by special permit in the AH zone. In granting a special permit, however, "the Commission will be guided by standards provided in Article IV, Section 12." (Id., p. 62.) It is these standards which form the basis for the Commission's denial, including the third reason.

It is useful to compare the requirements of each zone. It is also useful to review the requirements for the R40 Cluster Subdivision Zone. This zone envisions a development of greater density than the instant one and gives an indication that the Commission has put into place a provision for more intensive development in the R40 zone.

one family unit
 40,000 square feet
 35 feet
 1200 square feet
 150 feet
 50 feet
 25 feet
 50 feet

AH

dwellings permitted per acre 9 (33% of units are affordable housing)
 minimum lot size 4 acres
 maximum height 36 feet
 maximum length 160 feet
 minimum floor area

per multiple family (rental)	600 square feet
per multiple family (sale)	750 square feet
per detached 2 family	1100 square feet
bufferyard minimum frontage	40 feet
bufferyard side yard	50 feet*
rear yard	50 feet*

* The commission can reduce the side and rear yards to 15 feet upon $\frac{5}{6}$ vote of the commission.

R40 Cluster Subdivision

dwelling permitted	1 family
minimum lot size	15,000 square feet
maximum height	35 feet
minimum floor area	1200 square feet
minimum frontage	85 feet
minimum front yard	30 feet
minimum side yard	10% frontage (8.5#)
minimum rear yard	25 feet

(ROR, Exhibit o, Article III, section 6, p. 72.)

Snowberry Cobble

dwelling proposed	267: 108 rental 159 2 family density 4.9 units per acre
minimum lot size proposed	5000 square feet
maximum height proposed	varies
minimum floor area proposed	930 square feet
minimum frontage proposed	varies
front yard proposed	20 feet
side yard proposed	10% of width
rear yard proposed	25 feet

(ROR, Exhibit c; Exhibit p.)

*8 The requirements for the R40 Cluster Subdivision, as well as for the AH zone, indicate that the Commission had enacted regulations which envisioned a greater density in an R40 parcel. It is important to note that the Commission also envisioned circumstances in which it would reduce side and rear yard footage. The Commission, then, had already recognized that certain developments would be incompatible with their surroundings.

The incompatibility of a proposed affordable housing development is not, per se, a sufficient reason to deny an affordable housing application. A review of the legislative history demonstrates that the legislature foresaw the situation wherein a developer would propose greater density than a given zone permitted.

Rep. Farr: [I]f the proposed plan called for a substantial change in the longstanding zoning in the area of the community, would that in itself be sufficient grounds for the denial? ... Or to give you a better example, an area that's zoned single-family has got some vacant land and now the proposal is to put up multi-family, would that in itself be a basis for the denial?

Rep. Cibes: [T]he answer is no, not per se. The municipality might have very good grounds for not having multifamily dwellings in the particular area. The soil type, the capacity of the infrastructure, various reasons such as that might have been a reason for the municipality not to adopt a particular zone for that particular area, but per se, there would not-it would not be a reason for rejecting this application.

32 H.R.Proc., Pt. 30, 1989 Sess., p. 10608.

Senator Blumenthal, however, said in the Senate debate, "it is important to understand that these decisions involve specific projects on particular pieces of land and do not provide for any kind of general zoning override." 32 Senate Procs., Part 3, June 5, 1989, at 4048.

While the legislature may have been unsure as to the extent to which local zoning regulations might be overridden, it was clear that in certain cases a specific zoning override would occur. Were that not the case little affordable housing would be built. The purpose of this legislation was to provide an opportunity for developers to construct affordable housing where the quid pro quo is the allowance of greater density by the local zoning authority

for the opportunity for the locality to meet its legislatively mandated requirement to provide affordable housing.

In *Pratt's Corner Partnership v. Southington Planning and Zoning Commission*, 9 Conn.L.Rptr. No. 10, 291, 292 (July 26, 1993) *Pratt's Corner Partnership v. Southington Planning and Zoning Commission*, 9 Conn.L.Rptr. No. 10, 291, 292 (July 26, 1993) Judge Mottolese stated as follows:

The General Statutes are replete with forceful legislative expressions of the long standing statewide need for affordable housing both as defined in sec. 8-39a and sec. 8-30g. In the area of land use, the legislature first broached the concept of affordable housing when in 1984 it obligated every zoning commission, by regulations, to "encourage the development of housing opportunity for all citizens of the municipality consistent with soil types, terrain and infrastructure capacity." P.A. 84-263. In 1988, the General Assembly passed P.A. 88-338 "An Act Promoting the Development of Affordable Housing Through the Use of Municipal Planning and Zoning Authority" which authorized zoning commissions to enact regulations permitting special exemptions from density limits to developers who agree to construct units of affordable housing. In 1991, the legislature amended sec. 8-2 to broaden the mandate for affordable housing to include the needs of residents of the planning region in which the municipality is located and to promote choice and economic diversity in housing for low and moderate income households. P.A. 91-392. This amendment not only applied to the legislative power of a land use authority but also to the planning power so that the municipal plan of development was thus required to reflect the mandate.

*9 Enacting section 8-30g is perhaps the boldest step the legislature has taken in this area. It placed the burden on the Commission to prove, based on substantial evidence in the record, that the harmony and compatibility of an area is necessary to protect substantial public interests in health and safety or other matters which the commission may legally consider and that such public interests clearly outweigh the need for affordable housing; and further that such public interests cannot be protected by reasonable changes to the proposal.

Many area residents spoke against the proposal on the basis of its incompatibility with its surroundings. There was, however, no evidence that this incompatibility had

an adverse effect on substantial public interests in health or safety. The Commission did not meet its burden in connection with its third reason for denial, and, therefore, its denial cannot be sustained.

4. Criteria: The Commission may withhold approval of an Affordable Housing Zone if it determines that the infrastructure proposed to serve the development (including but not limited to schools, utilities and roadways) cannot adequately support the number of housing units proposed. (See also Article II, section 25, E. 7.)

The Commission unanimously finds that the school plant including the addition of an expanded Irving Robbins Middle School cannot accommodate the expected number of students generated from this proposed development. Members recognize that there are no current plans for further school building expansion.

(ROR, Exhibit j.)

Members of the public expressed concern regarding the impact of the affordable housing project on the Farmington school system. Donald, the Applicant's planning consultant, estimated an increase of 97 school children based on present experience in the Red Oak Hill development of 300 units. (ROR, Exhibit p, p. 50.) Townspeople challenged the wisdom of using a formula not prepared by the Farmington Board of Education or the Town of Farmington which, they contended, would provide a higher number as multiplier than that used by Donald. Donald defended the figures he used as "within the enrollment projections which were used by the Board of Education to convince the Town of Farmington to construct their current building program" (Id., p. 56.) In response to a speaker, a commissioner stated that it would obtain the Board's formula from the Board of Education.

There is no evidence that this formula was received by the Commission and considered by it in rendering its denial. The concerns expressed centered upon class size and sufficiency of school space. The regulations provide that the Commission must determine whether the infrastructure will support the proposed development. At the core of such concerns as class size, sufficiency of school space and infrastructure are fiscal considerations: whether the town will be able to provide equal or better education

with an increased number of students without an increase in the Board of Education budget.

*10 Neither sections 8-2 or 8-30g expressly or impliedly permit a rejection of an affordable housing application premised on the impact of additional students on the school system. *TCR New Canaan, Inc. v. Planning and Zoning Commission of Trumbull*, 6 Conn.L.Rptr. No. 13, 372 (June 1, 1992), *Pratt's Corner Partnership v. Southington Planning and Zoning Commission*, supra, 295.) See also *Capalbo v. Planning & Zoning Board of Appeals*, 208 Conn. 480, 547 A.2d 528 (1988); *Beach v. Planning & Zoning Commission*, 141 Conn. 79, 103 A.2d 814 (1954.)

Although the Commission bears the burden of proof, it made no findings as to what the increased number of children would be, and how, for instance, that number would effect the number of school bus trips using Route 177 or create any dangers to the health, safety and welfare of the public. It failed to reveal publicly any special knowledge or experience as to the material facts that were critical to its decision so that Barberino could have an opportunity for rebuttal. *Feinson v. Conservation Commission*, 180 Conn. 421, 428, 429 A.2d 910 (1980). What the record contains is Donald's assertion that his formula is within the bounds of the Board of Education enrollment projections. Therefore, the Commission's fourth reason for denial is not supported by sufficient evidence in the record and cannot be sustained.

The Commission advanced other reasons for denial:

1. An affordable housing development of this size should be located in an area with proximity to mass transportation. The board found little likelihood that mass transit would be available in the foreseeable future along Plainville Avenue.
2. The public interests in safety, traffic control and maintaining harmony with the surrounding neighborhood is not fulfilled by the proposed development and that the deficiencies in the public interests discussed above clearly outweigh the need for this affordable housing as proposed.
3. This decision is necessary to assure a more integrated future community in this section of Town and that

preserving the community character of an area is a delicate process which the applicant has failed to achieve in this instance.

4. The proposed development requires substantial changes and modifications to meet the public interests and, if the applicant acts to remedy the deficiencies noted, the Commission, will, without prejudice, consider the revised proposal and take appropriate action.

(ROR, Exhibit j.)

The first of these reasons is not sufficient as the Commission made no showing that the residents of this particular development would require more public transportation than residents in a development that would completely meet the zoning requirements for this area. The assumption inherent in this proposal, by the provision of parking spaces, is that the residents will not be dependent upon public transportation. This matter is more properly one for Farmington and perhaps its regional neighbors and the State.

*11 The second and third reasons have been discussed above in the context of the four criteria set forth in the reasons for denial.

The last reason for denial is perhaps the Commission's attempt to meet the statutory criteria of section 8-30g(4). It is unclear what the commission means by "substantial" changes, and whether these "substantial" changes would be considered "reasonable". Since this reason begs the question, the court finds that it, along with the preceding three, is insufficient to sustain the commission's denial of the application.

For the foregoing reasons, the decision of the commission is reversed with regard to reasons 1, 3 and 4 and reversed and modified as to reason 2.

All Citations

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1990 WL 290190

UNPUBLISHED OPINION. CHECK COURT RULES
BEFORE CITING.

Superior Court of Connecticut, Judicial
District of Fairfield, at Bridgeport.

Arnold KAYE

v.

TOWN OF WESTPORT, et al.

No. 26 87 58.

|

Aug. 21, 1990.

MEMORANDUM OF DECISION

LEVINE, Trial Referee.

*1 The plaintiff has brought suit in four counts against the Town of Westport (Town), the Representative Town Meeting of the Town of Westport (RTM) and the Planning and Zoning Commission of the Town of Westport (PZC). The first, second and third counts seek declaratory judgments; the first that the RTM lacked jurisdiction to review and reverse the action of the PZC (Amendment 389) which excluded restaurants with only service bars from the 1500 foot restriction of the zoning regulations; the second, that the action of the RTM of February 6, 1990 voiding the action, of the PZC enacting the exemption of service bars was ineffective, and that the action of the PZC was an effective part of the zoning regulations on March 7, 1990; the third, that Sections C5-1F and C26-4. A-D of the town charter are invalid, null and void and unconstitutional generally and specifically. The fourth count is a mandamus action to request the PZC to execute the "Certificate of Zoning Authority" required by the State Liquor Control Commission for the issuance of a liquor license for the plaintiff's restaurant.

The parties have submitted a Stipulation of Facts for the court in lieu of presenting evidence and that stipulation is appended hereto as Exhibit A. What occurred herein, in short, is that the RTM adopted, on its own application, a zoning amendment which exempted restaurants with service bars only from the 1500 foot radius from other liquor outlets and which prevents them from securing liquor permits. Thereafter, the RTM under its power

of review, in Westport's charter, adopted a resolution reversing the action of the PZC, which made the PZC action void, under the provisions of C26-4.B of the charter. The plaintiff who operates a restaurant within 1500 feet of five other restaurants with liquor permits thereafter was refused a "Certificate of Zoning Authority" by the PZC, that certificate as previously stated being a requirement of the state liquor commission for the issuance of a license. His simultaneous request for a variance of the 1500 foot radius was also denied by the PZC. His claim is that without the RTM action voiding the amendment by the PZC he would have been able to secure a liquor license for a service bar at his restaurant with all its resulting increments.

The plaintiff claims under the first count that the PZC enacted the ordinance, Amendment 389 in its legislative capacity and that § C26-4.A of the Charter provides that "within 7 days after the publication of notice of such action, any person or group of persons ... may request ... review by the Representative Town Meeting of such action by the Planning and Zoning Commission ..." and that Charter § C5-6C requires that said request be in writing and be filed in accordance with the time limitation provided and hereinbefore noted. The notice of the PZC amendment was published on January 17, 1990 at or before 9:00 a.m. the written request to review was filed in the Town Clerk's office at 11:19 a.m. the same day and the plaintiff claims that the time limitation was not complied with and that the request was premature in that the first date on which such a request could be made was January 18, 1990. The second count raises the issue that the Town Clerk's failure to publish the RTM action in accordance with Chapter §C5-9.A was fatal to its action. Count three claims that charter sections C5-1F and C26-4-D are invalid null and void and unconstitutional in that they are in derogation of the plaintiff's right to due process in violation of the Federal and State Constitutions, by reason of the failure of those charter sections to establish primary standards, declare legislative policy or lay down an intelligible principle as reasonably precise as is required. The fourth count requests the court to issue a writ of mandamus requiring the PZC to issue a "Certificate of Zoning Authority," since the action of the RTM is a nullity under the claims filed under counts one two and three and therefore Amendment 389 is in force and that the plaintiff complies with the zoning requirements.

*2 The first issue raised by the plaintiff is that the RTM lacked jurisdiction to review the PZC's action on the distance required for liquor permits for service bars, by reason of the failure of the petitioners to comply with section C26-4-A of the Charter, the relevant portion of which reads: "any action by the Planning and Zoning Commission adopting, amending or repealing any zoning regulation ... shall be subject to review by the Representative Town Meeting as follows: "A. Within 7 days after the publication of notice of said action any person or group of persons authorized by § C5-6C of Chapter 5 of this Charter to request the placing of matters on the agenda of the Representative Town Meeting, may request as provided in such § C5-6C a review by the Representative Town Meeting of such action by the Planning and Zoning Commission." B. of that section states that an affirmative vote of $\frac{2}{3}$ of the total number of the RTM adopting a resolution reversing the action of the PZC shall make such action void. The action of the PZC was published at 9:00 a.m. January 17, 1990. At 11:19 a.m. the same day a written request " ... to reverse the action taken by the Planning and Zoning Commission on January 8, 1990 relative to the following matter: Zoning Amendment 389 (text) amending Section 31-7 "Liquor Establishments". The plaintiff claims that the request to the RTM did not comply with the requirement that it be made "within 7 days after" the publication of the PZC action." "The word 'within' ... is, of controlling importance. It means 'not longer in time than ...' not later ... The word 'within' is almost universally used as a word of limitation, unless there are other controlling words in the context showing that a different meaning was intended." ¶ *Lamberti v. Stamford*, 131 Conn. 396, 398. See *Schwarzschield v. Binsse*, 170 Conn. 212, 217. The plaintiff claims that January 17 should be excluded in counting 7 days and that the time to file a request began on January 18th at 9:00 a.m. The plaintiff's reliance on *Austin Nichols & Co., Inc. v. Gilman*, 100 Conn. 81, 84 is misplaced since it does not use the word "after" as the plaintiffs brief states, and the case interpreted the phrases "not less then fourteen days" and "at least fourteen days." The statement in that case "unless settled practice or established custom, of the intention of the parties, or the terms of a statute have included in the computation the date or act of accrual, it is to be excluded from the computation" is interpreted as not counting the date of accrual, in this case January 17, 1990 for the purpose of computing seven full days. It is used only to insure a

seven day period. the case does not decide that the date of accrual is excluded for filing requests and nowhere does such an exclusion appear. In *Bielan v. Bielan*, 135 Conn. 163, 164n. the court determined that the phrase "within two weeks after the record is distributed" as "the purport of the rule is that a request to correct the appeal must be made to a trial court not later than two weeks after the record is distributed. Indeed every practical consideration favors the making of such a request at the earliest possible time." That court did not exclude the day the records were distributed. Again in *State v. Griffin*, 171 Conn. 333, 342 the Supreme Court in interpreting the statute limiting the time for presenting claims against estates interpreted the phrase "within such time more than twelve months nor less than three months" as the limits, held "we are compelled to hold that the word "within" as used in § 45-205 means not later than the termination date of the limitation order." ¶ Section 1-1(g) C.G.S. entitled "words and phrases" reads as follows: "In the construction of the statutes, words and phrases shall be construed according to the commonly approved usage of the language; ..." The word "after" means subsequently, later than, following the time when, later, subsequent in time to. The Merriam-Webster Dictionary 31 (1974), Blacks Law Dictionary 83 (4th ed 1951). "Day is defined as "that spece of time in which the earth makes one revolution on its axis ... In the sense of the law a day includes in it the whole twenty-four hours ..." *Miner v. Goodyear Glove Mfg Co.*, 62 Conn. 410, 411. January 17th 1990 was not excluded as a day for filing a request with the RTM to review the action of the PZC, a fair reading of the phrase "within 7 days after" permits a request be made within seven days after the PZC action is published which was 9:00 a.m. January 17th and the request in issue herein was filed within the seven day period.

*3 The issue raised in the second count is that the RTM action was ineffective for failure of the Town Clerk to publish the action of the RTM in accordance with Section C5-9.A. That section requires any action, adopting, amending or repealing an ordinance by the RTM to be published, within 10 days after the adjournment of the meeting, in a newspaper. In the instant case the RTM action was not published. Section C5-1A of the Charter provides that all legislative power of the Town, including power to enact ordinances shall be vested in the RTM, ¶ § 1-1(n) C.G.S. reads: "Ordinance shall mean an enactment under the provisions of section 7-157." Section

7-157 entitled Publication, Referendum. Publication of Summary “empowers the legislative body of any town or city to enact ordinances. It further provides that municipalities whose charter provide for the manner in which they may enact ordinances, may follow their charters as is the case in Westport. “An ordinance is a municipal legislative enactment.” *Great Atlantic and Pacific Tea Co. v. Schevy*, 148 Conn. 721, 723. Under section C5-1(A) the power to enact ordinances is given solely to the RTM. Under section C26-2 entitled “powers and Duties” the PZC is given the powers and duties conferred or imposed by law on Planning and Zoning Commissions. Section 8-2 entitled “Regulations” provide for the zoning commission of a municipality to regulate zoning, and in every instance refers to regulating not the enactment of ordinances. Section 1 of the Zoning Regulations entitled “Legislative Intent” defines its intent and states ... hereby adopts and promulgates the following rules and regulations in accordance with the authority vested in it the said commission by Chapter 242 of the Public Acts of the State of Connecticut and Chapter 124 of Title 8 of the Connecticut General Statutes ...” Section C5-1(F) provides the RTM with the power to review any action of the PZC adopting, amending or repealing any zoning regulation and section C26-4 subdivision B states that in the event of the RTM reversing the action of the PZC such action shall be void. Of significance is that nowhere in the charter is there a provision for publishing the action of the RTM and of even more significance is the statement that the PZC action is null and void as of the reversal of the PZC action, in this case Amendment 389. Regulation is defined as “... meaning to “govern or direct according to rule ... to bring under the control of law or constituted authority.” “Regulation connotes ... the power to permit and control as well as to prohibit.” *Greenwich v. Connecticut Transportation Authority*, 166 Conn 337, 342. The plaintiff's claim that the Westport Zoning Regulations were amended on January 8th by Amendment 389 has no basis in law. It was not effective before March 7th and the RTM voided it before that date on February 7th. The plaintiff reliance on *Morris v. Town of Newington*, 36 Conn.Sup. 74 is misplaced since it contains no legal proposition to sustain his position. Since the Westport Charter contains no requirement of publication of its action when it acts on a regulation of the PZC, no publication is required. The statement in § C4-6 that the rejected regulation is void indicates an intent to have an immediate effect, without a resort to a municipal referendum which is provided for in other

similar actions of the RTM. This review is different from the RTM adopting, amending or repealing an ordinance which provides for a week to elapse after publication for any of those actions to be effective. The failure of the Town Clerk to publish the action of the RTM reversing the action of the PZC in enacting Amendment 389 did not affect its action in voiding it.

*4 The third issue raised by the plaintiff is that the charter sections C5-1F and C26-4 A-D are invalid null and void and unconstitutional in that they are in derogation of the plaintiff's due process rights as guaranteed by the constitution of the State of Connecticut, and Amendments V and XIV of the United States constitutions in that they do not establish primary standards, declare legislative policy or lay down an intelligible principle as reasonably precise as is legally required. Essentially the plaintiff's claim is that no standards are laid down for the actions of the RTM in acting or reviewing the regulations of the PZC. A denial of due process involves the deprivation of a protected right which this plaintiff does not have. His claim that he cannot obtain a liquor permit from the State as a result of the actions of the RTM does not involve the loss of a property right. The defendant's claim that the plaintiff has not lost the right to apply for a liquor permit while technically correct does not help the plaintiff. He would be foolish to apply for such a permit without the “Certificate of Zoning Authority” necessary for his application and his application could not possibly succeed without it. What is important is that a liquor license is not a property right protected by the constitution. “[A] license to engage in the liquor traffic is not a grant and confers no irrevocable vested or property rights upon the licensee which cannot be revoked or terminated by the licensing authorities. It is a mere personal and temporary permit a privilege and not a natural right, to be enjoyed only so long as the conditions and restrictions governing its continuance are complied with, and allowing the licensee to do what could not be lawfully done without it, and it is not property in any constitutional sense.” 45 AmJur2d § 115 p. 568. In ruling on the Liquor Control Commission's suspension of a liquor permit the Supreme Court held, “Such a permit is merely a personal privilege and does not constitute property. General Statutes § 4236. The plaintiff has not been deprived of any property right.” *Bechanstin v. Liquor Control Commission*, 140 Conn. 183, 192. See *Riley v. Liquor Control Commission*, 153 Conn. 242, 247. “One who has not been harmed by a statute cannot challenge

its constitutionality. *Salgrean Realty Co. v. Ives*, 149 Conn. 208, 215.... The question of the validity of the statute must be tested by its effect on its attacker under the particular facts of his case. *Karen v. East Haddam*, 146 Conn. 720, 727 “.... Here we have no showing of any effects of the enforcement of this statute of these plaintiffs except that they are denied the purely personal privilege of a permit.” *Riley v. Liquor Control Commission*, supra 247. That principle is applicable to the instant case, the effect of the enforcement of the challenged sections of the charter is the loss of the purely personal privilege of a liquor permit and the plaintiff therefore may not attack their constitutionality. See *Scott v. Village of Kewasham*, 786 F.2d 338. The plaintiff's reliance on *State v. Stoddard*, 126 Conn. 623 does not help his case. That decision involved the constitutionality of a delegation of power by the legislature to the milk commissioner and decided that in transferring the power the statute must declare a legislative policy, establish primary standards for carrying it out, or lay down an intelligible principle to which the administrative officer or body must conform. *State v. Stoddard*, supra 628. However that standard of law is not applicable to delegations of authority by the legislature to a municipality. “The rule pronounced in *State v. Stoddard*, supra involved the delegation of powers from the legislature to an administrator in the executive department who was appointed by the governor and thus the *Stoddard* rule clearly is applicable to delegations of authority from the legislature to the executive department. Application of the rule, however, to the delegation from the state legislature to a municipality, as in the present, case is not appropriate. The bases for the non delegation doctrine between the legislative and executive branches of the state government are not coextensive with the bases for nondelegation as between the state legislature and a municipality and, therefore the rules governing such delegations are not the same.” *Bottone v. Westport*, 209 Conn. 652, 660. “[I]n delegating power to municipal corporations none the limitations imposed on administrations or executive agencies applies. Thus the delegation may be of the most general nature and it will not be invalid for a failure to create an adequate standard.” *Bottone v. Westport*, supra 668. The last sentence of that quotation is of great significance and provides the answer to the issue raised by the plaintiff. The delegation in the charter of the power of review to the RTM was in general terms which is permissible and is not

constitutionally invalid for failure to provide an adequate standard for the RTM's review of the PZC regulation.

*5. The fourth count seeks a Writ of Mandamus ordering the defendant PZC chairman or zoning director to issue a “Certificate of Zoning Authority” which is required for his application for a liquor permit. “The prerequisite that the plaintiff must establish for the extraordinary remedy of mandamus to issue are well settled. First, there must be no other adequate remedy; second the law must impose a mandatory duty on the defendant; and third the plaintiff must have a clear legal right to have that duty performed.... The issuance of the writ is discretionary ...” *Riley v. Bridgeport*, 22 Conn.App. 402, 405. Since the rulings of this court on counts one, two and three are adverse to the plaintiff's claims there is no mandatory duty on the defendant and no clear right to have the duty performed as the plaintiff requests.

On the first count for a declaratory judgment that the petitioners did not timely request the RTM for a review of the regulation enacted by the PZC the court finds that the request was made within the meaning and time limits of the charter.

On the second count for a declaratory judgment that the town clerk failed to publish the action of the RTM, the court finds that there was no requirement for such publication.

On the third count for a declaratory judgment that the sections of the Westport charter C26-4A-D and C5-IF are unconstitutional the court finds that this plaintiff has no constitutional rights to be protected and that the sections of the charter, in question, pass constitutional muster.

On the fourth count for a writ of mandamus the court finds that the plaintiff is not entitled to the relief requested.

Judgment may enter for the defendant to recover costs.

EXHIBIT A

No. CV 90-0268758 S.

July 5, 1990.

STIPULATION OF FACTS

1. Arnold J. Kaye a/k/a Arnold Kaye, the Plaintiff, is the record owner of real property located in the Town of Westport, Connecticut shown as Lot No. 100 on Assessor's Map No. 5453-1, and being commonly known as 1341-1399 Post Road East. The property (or "premises") consists of 3.47 acres with buildings and improvements thereon, and has 753.26 feet of frontage on the Post Road East, Town of Westport. [Copies of a map and deeds from Westport Land Records certified by Town Clerk will be offered collectively as Plaintiff's Exhibit A.]

2. Plaintiff conducts a delicatessen business, a restaurant business and a banquet and catering business, among other businesses, on said real property.

3. The Town of Westport Zoning Regulations Section 31-7 prohibits the sale of alcoholic liquor at a restaurant located within 1500 feet of any other building or structure where any alcoholic liquor is sold for on-premises consumption. [Copies of the Regulation will be offered as Plaintiff's Exhibit B.]

4. Zoning Regulation Section 31-7 prohibits the sale of alcoholic liquor for on-premises consumption at the Plaintiff's premises in that the following five (5) restaurants serve liquor within 1500 feet of the premises: Beansprout Restaurant, Panda Pavilion, Rocco's, Pompano Grille and Fuddruckers Restaurant.

*6 5. When Plaintiff began operating said restaurant, delicatessen and catering business at the said premises, he knew that the sale of alcoholic liquor for on-premises consumption at the premises was prohibited by the Town of Westport Zoning Regulations, Section 31-7.

6. The Town of Westport Zoning Regulations is an ordinance of the Town of Westport.

7. Defendant, Town of Westport, (hereinafter referred to as "Town"), is a municipal corporation being a political subdivision of the State of Connecticut in the County of Fairfield.

8. The Charter for the Town of Westport was promulgated by the Connecticut General Assembly as Special Act No. 348 of 1957, 28 Spec.Laws 445. At a Special Town Meeting

held on July 19, 1957, the citizens of the Town of Westport adopted said Special Act as its Charter.

9. Defendant, Representative Town Meeting, (hereinafter referred to as "RTM"), is the legislative body of said Town.

10. Defendant, Planning and Zoning Commission, (hereinafter referred to as "P & Z"), is (a) the zoning authority in said Town pursuant to Chapter 124 of the Connecticut General Statutes, and (b) the merged planning and zoning commission in said Town pursuant to Section 8-4a of the Connecticut General Statutes.

11. Said P & Z, acting within the scope of its authority granted to it by virtue of the Zoning Regulations of said Town, and pursuant to the provisions of said Chapter 124 of the Connecticut General Statutes, adopted Zoning Amendment # 389 on its own application by resolution dated January 8, 1990, after a public hearing on said application on December 18, 1989. Zoning Amendment # 389 was given an effective date of March 7, 1990 by said P & Z at a work session on January 8, 1990. Zoning Amendment # 389, *inter alia*, exempts restaurants with service bars only from the 1550 foot radius restriction. [A copy of said Amendment # 389 will be offered as Plaintiff's Exhibit C.]

12. Sections C5-1.F. and C26-4.A.-D. of the Charter of said Town provide for the review of certain zoning actions of said P & Z by said RTM. The power of the RTM to review certain zoning actions is authorized by the aforesaid Special Act of the General Assembly and is valid. The power to regulate land use in the Town of Westport rests exclusively with the Westport P & Z except to the extent that the RTM is authorized to review certain P & Z actions under Sections C5-1.F. and C26-4. of the Westport Charter. [Copies of said sections C5-1.F. and C26-4.A.-D. of said Charter certified by the Westport Town Clerk will be offered as Plaintiff's Exhibits D and E, respectively.]

13. The Westport Charter, Section C26-4.A., provides that "[w]ithin 7 days after the publication of notice of such action, any person or group of persons authorized by Section C5-6C of Chapter 5 of this Charter to request the placing of matters on the agenda of the Representative Town Meeting may request, as provided in such Section C5-6C, a review by the Representative Town Meeting of

such action by the Planning and Zoning Commission. Such Representative Town Meeting shall be held within 30 days after the delivery of such request to the Moderator or the Town Clerk. [A copy of said section C5-6C of said Charter certified by the Westport Town Clerk will be offered as Plaintiff's Exhibit F.)

*7 14. Notice of the action of the P & Z adopting Zoning Amendment # 389 was published and circulated in The Westport News, a newspaper having a substantial circulation in the Town of Westport, at or before 9:00 A.M., on January 17, 1990. [A copy of said notice as published in said newspaper certified by the secretary to the Westport Planning and Zoning Commission will be offered as Plaintiff's Exhibit G.)

15. On January 17, 1990 at 11:19 A.M., RTM member Lawrence Aasen filed with the Town Clerk's office for the Town of Westport a written request for a review of the action of the P & Z adopting Zoning Amendment # 389 under Section C26-4. of said Charter. [A copy of said request certified by the Westport Town Clerk will be offered as Plaintiff's Exhibit H.)

16. On February 6, 1990, said RTM, exercising its power to review under said Sections C5-1.F. and C26-4.A.-D. of said Charter, adopted a resolution "revers [ing] the action of the Planning and Zoning Commission in adopting Zoning Amendment # 389". [A copy of the minutes of said RTM concerning said RTM resolution certified by the Westport Town Clerk will be offered as Plaintiff's Exhibit I.]

17. Upon the adoption of such resolution, the action of said P & Z adopting Zoning Amendment # 389 is "void" under the specific provisions of Section C26-4.B. of said Charter.

18. Following the meeting of the RTM of February 6, 1990, the Westport Town Clerk did not publish notice of the action of the RTM adopting a resolution reversing the action of the P & Z adopting Zoning Amendment # 389.

19. The power of the RTM to enact ordinances is conferred by Section C5-1.A. of the Charter, subject to the referendum provided by Section C5-9 of the Charter. Section C5-9 provides that the Town Clerk shall cause any action by the RTM adopting, amending, or repealing an ordinance to be published, and that no such action

or ordinance shall be effective until one week after such publication. [A copy of said section C5-9 of said Charter certified by the Westport Town Clerk will be offered as Plaintiff's Exhibit J.)

20. Neither Section C5-1.F. nor Section C26-4 of the Charter, which confer upon the RTM the power to review certain zoning actions, makes any reference to Section C5-9.

21. General Statutes Section 30-44 provides that "[t]he Department of Liquor Control shall refuse permits for the sale of alcoholic liquor ... where prohibited by the zoning ordinance of any city or town."

22. On March 7, 1990, Plaintiff presented an application form furnished by the State of Connecticut Department of Liquor Control to Katherine Barnard, Westport's Director of Planning and Zoning, for her to complete and sign the part therein entitled "Certificate of Zoning Authority", which form said Katherine Barnard refused to complete and sign based upon the aforesaid resolution action of said RTM and Section 31-7 of said Zoning Regulations.

23. Thereafter, upon application to the Zoning Board of Appeals ("ZBA") for the Town of Westport, the Plaintiff appealed the action of said Director of Planning and Zoning, and, in the alternative, sought a variance from the effect of the application of Section 31-7 of the Zoning Regulations. Both requests were denied on or about May 3, 1990. [A copy of the denial of said application by said ZBA certified by the secretary to the Westport Planning and Zoning Commission (in the absence of the secretary to said ZBA who is injured and absent from work) will be offered as Plaintiff's Exhibit K.)

*8 24. Thereafter, the Plaintiff filed an application with the Liquor Control Commission for a restaurant/liquor permit to be located at the subject premises. The Commission denied the application. [The original of the Decision of said Liquor Control Commission will be offered as Plaintiff's Exhibit L.)

25. If said action of the RTM on February 6, 1990 had not voided the action of the P & Z adopting Amendment # 389, and said Amendment # 389 had been effective on said March 7, 1990, then in such event the Plaintiff would have been entitled to have had said "Certificate of Zoning

Authority” part of said application completed, signed and delivered to him by said Katherine Barnard on March 7, 1990, since Plaintiff's said premises at 1385 Post Road East in said Westport referred to in paragraph 1 above was a premises qualified for the proposed use pursuant to, and permitted by, said Zoning Regulations as amended by said Amendment # 389.

Dated at Westport and Bridgeport, Connecticut this 5th day of July, 1990.
The Plaintiff, Arnold Kaye

/s/by Joseph F. McKeon, Jr.

The Defendants, Town of Westport, *et al*

/s/by G. Kenneth Bernhard

All Citations

Not Reported in A.2d, 1990 WL 290190, 2 Conn. L. Rptr. 453

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
2003

VOL. 46
PART 10
3054 3432

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House of Representatives

Tuesday, May 20, 2003

Please check the board and be sure your vote is properly cast.

If all members have voted, the machine will be locked and the Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

H.B. 6377, as amended by House Amendment Schedules "B" and "C"

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not Voting	6

DEPUTY SPEAKER CURREY:

The bill, as amended passes.

Will the Clerk please call Calendar 390.

CLERK:

On page 7, Calendar 390, Substitute for H.B. 5033,
AN ACT CONCERNING STATUTORY INTERPRETATION. Favorable
Report of the Committee on Judiciary.

DEPUTY SPEAKER CURREY:

The Honorable Representative Stone from East
Hartford, the 9th District.

REP. STONE: (9TH)

Thank you, Madam Speaker. It's good to see you on

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House of Representatives

Tuesday, May 20, 2003

the Dias. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and passage. Please proceed, sir.

REP. STONE: (9TH)

Yes, thank you, Madam Speaker. This bill is a relatively simple proposal. It is in response to a Supreme Court decision in a case entitled State vs. Courchesne in which the Supreme Court rejected our common law principle of the plain meaning rule for statutory interpretation.

Under common law, the plain meaning rule would prohibit the use of intrinsic evidence or outside evidence, where interpreting a statute, where the text of the statute itself is plain and unambiguous and does not yield to absurd or unworkable results.

The Supreme Court, in the decision, in the Courchesne decision, decided that even though the statute in that case was plain and unambiguous on its face, that they would still look beyond the statute to discern or attempt to discern what might have been, at least in their mind, the actual intent of the Legislature.

Madam Speaker, I move adoption.

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003326

House of Representatives

Tuesday, May 20, 2003

DEPUTY SPEAKER CURREY:

The question before us is on passage of the bill.
Would you care to comment on the bill before us?

Representative Farr of the 19th.

REP. FARR: (19TH)

Thank you, Madam Speaker. Madam Speaker, this is, indeed, an important bill before us today. Representative Stone, I think, correctly identified what we're attempting to do and that is to restore the law in Connecticut to what it was before the recent Supreme Court case. And that law was that the plain meaning of the statute is what actually controls. What the majority in that law -- excuse me, in that recent case said was that you could trump the plain language of the statute by looking at the legislative intent. The danger with that is the fact that in order to determine legislative intent, the courts go back, they read the transcripts of the hearings, they read the transcripts of what is said on this House, in this body. And quite frankly, anyone who's been here for any length of time, knows how often it is that a bill is brought out and it's mis-explained. An amendment is brought out, it's mis-explained. We've seen that over and over again.

No one in this body jumps to their feet and takes an exception and demands a correction so that the record

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House of Representatives

Tuesday, May 20, 2003

will reflect what we intend because we rely upon the language of the act that's before us. And we depend upon the court also relying upon that plain language.

What the court did in the Courchesne case is quite extraordinary. What they said was that we had passed a statute concerning the imposition of the death penalty and they said despite the plain language of that statute, and they interpreted the plain language as saying that an individual who committed two crimes could be subject to the death penalty if he did both crimes in a heinous fashion, if he committed both murders, rather, in a heinous fashion.

The majority in that case then turned around and said well, even though the statute is clear and unambiguous, we're going to look at the intent of the Legislature and we're going to say that you can impose the death penalty because despite what the statute says, the Legislature meant something different.

To me, that's a very, very dangerous case. The precedent here is a precedent that doesn't exist in any other jurisdiction in America. Every other state in our union looks at the plain language and the plain language is what controls.

We, as a Legislature, have a very unique and powerful function and that function is to draft and

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Tuesday, May 20, 2003

adopt legislation. We can make a statute say anything we want and all we have to do is draft it so that it says what we want. What the court is saying is that despite every effort we make to draft the statute and make it clear and even though it is clear, they can look behind it and say that wasn't what we intended.

The danger with this is not only does it -- the real danger with this case is it takes away the ability of everybody in our society to rely upon the plain language of our statutes. When you go to an attorney and the attorney gets a statute out and sees what the laws says, the attorney shouldn't have to go back and research the legislative intent of that statute. If the statute is clear, he ought to be able to rely upon it.

Individuals who read our statutes should be able to rely upon the clear language of the statute. And it's really up to us to make that language say what we intend. If we don't intend what the language says, we have that unique power to change the language. The courts don't write statutes. The Governor doesn't write statutes. We do it. And what we're saying by this bill is that what the statute means is what it says unless it's ambiguous.

And that's what every other state in the nation says. It's my understanding it's what every

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House of Representatives

Tuesday, May 20, 2003

industrialized country in the world uses. They rely upon the plain language of the statutes.

So I think this is an important bill because it re-establishes the fact that the language of the statute we control and it's really up to us to discipline ourselves and make sure that the statute says what we intend it to mean.

And I would urge passage of the bill.

Thank you.

DEPUTY SPEAKER CURREY:

Thank you, sir. Would you care to comment further on the bill before us?

Representative Fox of the 144th.

REP. FOX: (144TH)

Thank you, Madam Speaker. Just to reiterate what Representative Farr has said, I think this is possibly one of the most important pieces of legislation we will have during the session. There is a very honest debate as to what our role is and what the role of the courts are, especially the Appellate courts. This makes it clear, I think, what our role is and what we say is important and that should play the prominent position in terms of the interpretation of the statute.

It's a very important piece of legislation and I would urge its adoption.

Black's Law Dictionary (10th ed. 2014), may

MAY

Bryan A. Garner, Editor in Chief

Preface | Guide | Legal Abbreviations

may *vb.* (bef. 12c) 1. To be permitted to <the plaintiff may close>. 2. To be a possibility <we may win on appeal>. Cf. CAN. 3. Loosely, is required to; shall; must <if two or more defendants are jointly indicted, any defendant who so requests may be tried separately>. • In dozens of cases, courts have held *may* to be synonymous with *shall* or *must*, usu. in an effort to effectuate what is said to be legislative intent.

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furnish, of Germanic orig.] —per-form'a-ble *adj.* —per-form'er *n.*

Synonyms: perform, execute, accomplish, achieve, effect, fulfill, discharge, render. These synonyms for *do* stress the action, effort, or completion of a prescribed or significant deed or task. *Perform* stresses the skill and competence in carrying something out by following procedures. It can also mean, as with *execute*, to function routinely. *Execute* implies doing a planned task with efficiency, precision, or finality; *execute the answer*. *Accomplish* connotes completion of a job or feat which reflects a person's impressive talents. *Achieve* places more weight on the effort, significance, or difficulty involved. *Effect* suggests practical carrying out of something, often collectively or impersonally: *A new policy was effected*. To *fulfill* means to live up to the expectations or demands of somebody or some challenge; *fulfill one's obligation*. To *discharge* a duty is to complete it from a purely mechanical standpoint: *Your duties must be correctly discharged*. *Render* refers less to doing a task than to the effect of one's action: *render a service*.

per-formance (pär-'fôr-mans) *n.* 1. The act of performing, or the state of being performed. 2. The act or style of performing a work or a before an audience. 3. The way in which someone or something functions: *rated the machine's performance.* 4. A presentation, esp. a theatrical one, before an audience. 5. Something performed: an accomplishment.

per-fume (pär-'fyûm, pär-'fyûm) *n.* 1. A volatile liquid, distilled from flowers or prepared synthetically, that emits and diffuses a fragrant odor. 2. A pleasing, agreeable scent or odor. —*tr.v.* (pär-'fyûm) -fumed, -fuming, -fumes. To impregnate with fragrance; impart a pleasant odor to. [OFr. *parfum* < OItal. *parfumo* < *parfumare*, to fill with smoke: *par-* (intensive < Lat. *per-*) + *fumare*, to smoke < Lat. < *fumus*, smoke.]

per-fum-er (pär-fyoo'mär) *n.* A maker or seller of perfumes.
per-fum-ery (pär-fyoo'mä-rē) *n., pl. -ies.* 1. Perfumes in general. 2. An establishment that specializes in making or selling perfume. 3. The art of making perfume.

perfunc-to-ry (par-funck'tō-rē) *adj.* Done or acting routinely and with little interest or care. [*Lat. perfunctorius* < *Lat. perfungi*, to get through with: *per-* (intensive) + *fungi*, to perform.] —**perfunc-to-ri-ly** *adv.* —**perfunc-to-ri-ness** *n.*
per-fuse (par-fyooz') *tr.v.* *fused, fusing, fuses.* 1. To coat, suffuse, or permeate with liquid, color, or light. 2. To

perfundere, *perfus-*, to pour over ; *per-* (intensive) + *fundere*, to pour.] — **perfulsivo** (par-fyŏd'siv, -ziv) *adj.*
perfusion (par-fyŏd'zhən) *n.* The injection of fluid into an artery in order to reach tissues.

per-go-la (pûr'go-là) *n.* An arbor or passageway with a roof of trelliswork on which climbing plants are trained to grow.
[Ita]. < Lat. *pergula*]

per-haps (pŏr-'hăps) *adv.* Maybe; possibly.
peri- *pref.* 1. Around; about; enclosing: *perimystium*.
 2. Near: *perinatal*. [Lat. < Gk. < *peri*, around, near.]
peri-anth (pĕr-'ănth) *n.* *Bot.* The outer envelope of a flower, consisting of the calyx and corolla, or of one of these if the other is absent. [NLat. *perianthus* : Gk. *peri*, around + Gk. *anthos*, flower.]

peri-apt (pĕr'ē-ăpt') *n.* An amulet or charm worn as protection against mischief and disease. [OFr. *periapte* < Gk. *periapton*; *peri*, around + *haptos*, fastened < *haptēin*, to fasten.]

per-i-car-di-um (pĕr'ī-kār'dē-əm) *n.*, *pl.* -di-a (-dē-ə). The membranous sac enclosing the heart. [NLat. < Gk. *perikardion* < *perikardios*, around the heart : *peri*, around + *kardia*, heart.] —**per-i-car-di-al**, **per-i-car-di-ac** *adj.*

per·i·carp (pĕr'i-kărp) *n.* The wall of a ripened ovary or fruit. [NLat. *pericarpium* < Gk. *perikarpion*, pod : *peri*, around + *karpōs* fruit] — **per·i·car·pi·al** *adj.*

perī-chon-dri-um (pērī-kōn'drē-əm) *n.*, *pl.* -dri-a (-drē-ə). *Anat.* The fibrous membrane covering the surface of cartilage except at joint endings. [NLat. : PERIC + Gk. *khondros*, cartilage.] — **perī-chon'dri-ai** *adj.*

per·i·c·lase (pĕr'i-klās', -klāz') *n.* A mineral form of magnesium oxide, MgO, usually occurring in isomeric crystals or grains. [*G. Periklas*: *Gk. peri-* (intensive) + *klastis*, breaking (so called in reference to its perfect cleavage).]

per-icline (pēr'ī-klīn') *n.* A variety of albite occurring as elongated white crystals. [*Gk. periklinēs*, sloping on all sides; *peri*, around + *klinein*, to slope.]

peri·cran·i·um (păr't-krā'nē-əm) *n.*, *pl.* -nī-a (-nē-ə). The external periosteum that covers the outer surface of the skull. [NLat. < Gk. *perikranion* < *perikranios*, around the skull: *peri*, around + *kranion*, cranium] —*pericranial* *adj.*

peri- *around* + *kranion*, *cranium*.] — **peri-cra'ni-al** *adj.*
peri-cy-cle (pĕr'i-sī'kəl) *n.* The growing layer of parenchyma cells and fibers between the endodermis and the conducting tissue in plant roots and stems. [*Fr. péricycle* < *Gk. perikuklos*, *spherical*: *peri*, *around* + *kuklos*, *circle*.] — **peri-cy-cle** (-sī'kĭkəl, -sī'k'ĭk) *adj.*

per·i·derm (pĕr'i-dŭrm') *n.* An outer layer of tissue of plant roots and stems, consisting of the bark and the layer of growing tissue beneath the bark. — **per·i·der·mal** (-dŭrməl), **per·i·der·mic** *adj.*

pe·rīd·i·um (pə-rīd'ē-əm) *n.*, *pl.* -i-a (-ē-ə). The covering of



the spore-bearing organ in many fungi. [NLat. < Gk. *peridion*, dim. of *pēra*, leather pouch.] —*per'id'i'oi adj.*
per'i'dot (pér'-dōt', -dō') *n.* A green variety of olivine used as a gem. [Fr. *péridot* < OFr. *peritot*.] —*per'i'dot'ic* (-dō'tik', -dō's'ik) *adj.*

perit-dò-llite (pèr-t-dò-llit', pə-rìd'-ò-llit') *n.* Any of a group of igneous rocks having a granitelike texture and composed mainly of olivine and various pyroxenes and amphiboles.
per-i-jee (pèr'-jē) *n.* The point nearest the earth in the orbit of the moon or a satellite. [OFr. < Med. Lat. *perigeum* < L.Gk. *perigeion* : Gk. *peri*, near + Gk. *gē*, earth]. — **per-i-jee** (pə-rì-jē-ə) *adj.*

per'ig-yo-s'ny (per'ig'-yo-s'ny) *adj.* Bot. 1. Having sepals, petals, and stamens around the edge of a cuplike receptacle containing the ovary. 2. Designating perigynous flower parts: **perigynous stamens**. — **per'ig-yo-s'ny** (per'ig'-yo-s'ny) *n.*

per'i-tel'ly-on (pér'-tél'le-on, -hél'yen) *n., pl.* -hél'la (-hél'-lè, -hél'yà). The point nearest the sun in the orbit of a planet or other celestial body. [**PERI-** + Gk. *héllos*, sun.]

— **per'i-tel'ly-al** *adj.*

perikaryon (pĕr'ī-kā'ryōn, -ən) *n., pl. -karyon* (kā'ryōn).
The cell body of a neuron containing the nucleus. —**perikaryal** *adj.*

peril (*per'əl*) *n.* 1. A condition of imminent danger; exposure to the risk of harm or loss. 2. Something that endangers; serious risk. —*tr.v.* -lied, -li-ing, -lis also -lied, -li-ing, -lis. To expose to danger or the chance of injury; imperil. [ME < OFr. < Lat. *periculum*.] —**peril'ous** *adj.* —**peril'ous-ly** *adv.*

perilymph (pér'ə-límf') *n.* The fluid in the space between the membranous and bony labyrinths of the internal ear.
peri-rim'e-tar (pə-rím'i-tər) *n.* 1. *a. Math.* A closed curve bounding a plane area. *b.* The length of such a boundary.
 2. A fortified strip or boundary usually protecting a military position.
 3. The outer limits of an area. [*Fr. périmètre* < *Lat. perimetros* < *Gk.: peri, around + metron, measure.*]
peri-mé'tric (pér'ə-mé'trĭk), **peri-mé'tri-cal** *adj.*, **-peri-mé'tri-cal-ly** *adv.*

per-l-morph (pě'r-a-môrf') *n.* A mineral that encloses a different mineral. — **per-l-morphic**, **per-l-morphous** *adj.*
— **per-l-morphism** *n.*

per-i-my-a-l-um (pĕr'ə-mīzh'ē-əm, -mīz'ē-əm) *n., pl. -my-a-l-a* (-mīzh'ē-ə, -mīz'ē-ə). A sheath of connective tissue enveloping bundles of muscle fibers. [NLat.: PERI- + Gk. *mus*, muscle.]

per-i-na-tal (pĕr'ə-nāt'l) *adj.* Occurring near the time of birth.

peri-neph'rĭ-um (pĕr'ə-nĕf'ĕr-əm) *n., pl. -rĭ-a (-rĕ-ə)*. The connective and fatty tissue surrounding the kidney. [NLat. < Gk. *perinephros*, fat around the kidneys; *peri*, around + *nephros*, kidney.] —**peri-neph'ral**, **per'i-neph'ĕr'al**, **perĭ-neph'ric** *adj.*

perineum (pér'-né-əm) *n., pl. -ne-a* (-né-ə). 1. The portion of the body in the pelvis occupied by urogenital passages and the rectum, bounded in front by the pubic arch, in the back by the coccyx, and laterally by part of the hipbone. 2. The region between the scrotum and the anus in males, and between the posterior vulva junction and the anus in females. [*Lat.* < *Lat.* *perineum* < *Gk.* : *peri*, around, + *inon*, to excrete.] — **perineal** *adj.*

per-i-neu-ri-um (pě'r-ə-nōōr'ē-əm, -nyōōr'-) *n.*, *pl.* -neu-rī'a (-nōōr'ē-ə, -nyōōr'-). A sheath of connective tissue enclosing a primary bundle of nerve fibers. — *per-i-neu-ri-āl* *adj.*

pe-ri-od (pī'ē-əd) *n.* 1. An interval of time characterized by the occurrence of certain conditions or events: *a period of 12 months.* 2. An interval of time characterized by the prevalence of a specified culture, ideology, or technology: *the premodern period.*

alence of a specified culture, ideology, or technology: *artifacts of the pre-Columbian period*. 3. A unit of geologic time; longer than an epoch and shorter than an era. 4. An interval regarded as a distinct evolutionary or developmental phase; stage: *Picasso's blue period*. 5. Any of various arbitrary lem-

stage: Picasso's blue period. 5. Any of various arbitrary temporal units, esp.: a. Any of the divisions of the academic day. b. A division of the playing time of a game. 6. *Physicst & Astron.* The time interval between two successive occurrences of a recurrent event: cycle. 7. An instance or occur-

ences of a recurrent event; cycle. 7. An instance of occurrence of menstruation. 8. A point or portion of time at which something is ended; completion; conclusion. 9. The full pause at the end of a spoken sentence. 10. A punctuation mark (.) indicating a full stop, placed at the end of

tion mark (.) indicating a full stop, placed at the end of declarative sentences and other statements thought to be complete, and after many abbreviations. 11. In formal writing, a sentence of several carefully balanced clauses. 12. A

13. *Mus.* A group of two or more phrases within a composition, made up of 8 or 16 measures and terminating with a cadence. 14. *Math.* a. The least interval in the range of the

independence, 14. *Math.* a. The least interval in the range of the independent variable of a periodic function of a real variable in which all possible values of the dependent variable are assumed. b. A group of digits separated by commas in a written number. c. The number of digits that repeat in a repeating decimal. For example, $1/7 =$

0.142857142857... has a six-digit period. —*adj.* Of, belonging to, or representing a certain historical age or time: *a period piece; period furniture.* [ME *paryode* < OFr. *periode* < Med. Lat. *periodus* < Lat., cycle < Gk. *períodos*, circuit : *peri*, around + *hodos*, way.]

Synonyms: *period* are general words for an actual or seemingly roughly specified interval; *an end* historically; *Time*, used here in often implies a period as seen from a moist. *Time* can also imply a defined interval word for m usually that the giv but one among my up associations of; and important sp of a period with a or at least hypoth historical periods; used hyperbolical period, usually re imprisonment; *he period* (pl'et cycles. 2. Happi 3. Taking place; < Gk. *periodos* <cl'ically adv.

Synonyms:
Asful. These species
 thing is *periodic*
 regular, at least
 the irregularity.
Intermittent
 usually infrequ-
 ent pauses or
 usually imple-
 may hint at a
 tionality. What
 frequently, and
 or disruptive.
 odd times, and
 peri-odic ac-
 ganic acid, H₂
 peri-odic acid
 at regular inter-
 ing to a publi-
 tion issued at
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 peri-odic cl
 odic, recur-
 periodic jaw
 its elements
 peri-odic tab-
 peri-odic ap-
 peri-odic op-
 and of the
 peri-odic
 peri-odon
 The dental
 tic, peri-
 peri-onyx
 The borde
 Gk. *onyx*,
 peri-oste-
 membranc
 tion. [NL
 the bone]
 perioste
 perioste
 teum. —
 peri-otic
 or design
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 methods
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 around
 peri-pe
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 of com
 device
 tion w
 periph
 tem cc
 sympe
 peri-ph
 or reg
 immo
 luting
 (scat)

[NLat. < Gk. *peri-*
-dōl'el adj.
riety of olive used
peri-dōl'el (-dōl'ik).

Any of a group of
ture and composed
es and amphiboles,
the earth in the or-
ed. Lat. *perigoni* <
earth. —peri-gō-

Having sepals, peti-
cuplike receptacle
perigynous flower
pa-rif'ō-nō) n.
pl. -hō-l'ra (-hō-
in the orbit of a
Gk. *hēlios* sun.]

-ker-yō (kūr'ō-)
nucleus. —peri-

ent danger; expo-
thing that endan-
also -dōl'el, -dōl'ing,
of injury; imperil.
adj. —peri-lous-

the space between
the internal ear.
A closed curve
such a boundary.
ecting a military
perimetre < Lat.
measure. —peri-
li. —peri-mōr'ti-

it encloses a dif-
morphic. adj.

n. pl. -mōr'f-ic
tissue, envelop-
ti. —Gk. *nūs*,
ur the time of

-s (-rō-ō). The
kidney. [NLat.
peri, around +
spher'ial, peri-

1. The portion
enital passages
bic arch, in the
if the hipbone.
anus in males,
id the anus in
eri, around +

n. pl. -nōr'e-
ssue enclosing
ri-ai adj.

acterized by
a period of 12
by the prev-
anology: arti-
geologic time.

5. An interval
mental phase;
bitrary tem-
the academic
oc. 6. *Physica*
essive occur-
ce or occur-

of time at
sion. 9. The
3. A punctu-
the end of
ought to be
formal writ-
uses. 12. A

more col-
a composi-
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variable
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repeat in a

OF belong-
or time: a
period <
s. circuit :

/ir pter/
ōō boot/

Synonyms: *period, time, epoch, era, age, term.* These are general words for an imprecise portion of time, usually of actual or seemingly long duration. A *period* can be a roughly specified interval or it can objectively denote a time historically: an *endless waiting period*; the *Romantic period*. *Time*, used here in its concrete rather than conceptual sense, often implies a period with certain diversities or possibilities as seen from a more personal vantage: *those times were the best*. *Time* can also be used loosely for a period of not precisely defined limits: *it was a time of sorrow*. *Epoch* is a formal word for more precise historical emphasis, implying usually that the given period is one of change and is seen as but one among many. More colorful is *era*, which conjures up associations of a notable flavor or way of life over a long and important span of time. *Age* accents the great duration of a period with a salient characteristic, seen from a distant or at least hypothetical perspective. Used of geologic and historical periods, an *age* can cover centuries but it is often used hyperbolically: *ages ago*. A *term* is a formally delimited period, usually relating to particular institutions: *his term of imprisonment*; *her term of office*.

peri-od-ic (pī'rē-ōd'ik) adj. 1. Having periods or repeated cycles. 2. Happening or appearing at regular intervals. 3. Taking place now and then; intermittent. [Lat. *periodicus* < Gk. *periōdikos* < *periodos*, circuit. —see PERIOD.] —peri-od-ic-al-ly adv.

Synonyms: *periodic, sporadic, intermittent, occasional, fitful.* These specify recurrence over a period of time. Something is *periodic* which occurs at intervals that are, if not regular, at least generally predictable. *Sporadic* emphasizes the irregularity of what recurs, as well as its unpredictability. *Intermittent* describes anything which comes and goes, usually infrequently but somewhat expectedly, and stresses the pauses or interruptions rather than the occurrences. It usually implies recurrence within understood limits, and may hint at a significant pattern: *intermittent periods of rationality*. What is *occasional* happens at random, usually infrequently, and is generally not considered very important or disruptive. Something is *fitful* which comes abruptly, at odd times, and does not last long.

peri-od-ic acid (pī'rē-ōd'ik) n. A white, crystalline inorganic acid, H₂IO₆·2H₂O, used as an oxidizer.

peri-od-ic-al (pī'rē-ōd'ik-al) adj. 1. Periodic. 2. a. Published at regular intervals of more than one day. b. Of or pertaining to a publication issued at such intervals. —n. A publication issued at regular intervals of more than one day.

periodical cleada n. Seventeen-year locust.

peri-od-ic-ity (pī'rē-ōd'ik-ē-tē) n. The quality of being periodic; recurrence at regular intervals.

periodic law n. *Chem.* The principle that the properties of the elements recur periodically with increasing atomic number.

periodic table n. *Chem.* A tabular arrangement of the elements according to their atomic number.

peri-od-on-tal (pī'rē-ō-dōn'tal) adj. Of or designating tissue and structures surrounding and supporting the teeth.

—peri-od-on-tal-ly adv.

peri-od-on-tics (pī'rē-ō-dōn'tiks) n. (used with a sing. verb). The dental specialty of periodontal disease. —peri-od-on-tic-ally adv.

peri-od-on-tic-al (pī'rē-ō-dōn'tik-al) adj. —peri-od-on'tal n.

peri-od-ony-chi-um (pī'rē-ō-dōn'ik-ē-um) n. pl. -i-a (-ē-ā). *Anat.* The border tissue surrounding the nail. [NLat. : PERI- + Gk. *onix*, nail.]

peri-od-on-te-m (pī'rē-ō-dōn'tē-m) n. pl. -tēs (-tē-ā). A fibrous membrane covering all bones, except at points of articulation. [NLat. < LLat. *periosteum* < Gk. < *periosteos*, around the bone : peri, around + *osteon*, bone.] —peri-ostē-tes, peri-ostē-te-ous adj.

peri-ost-itis (pī'rē-ōs'tī-tis) n. Inflammation of the periosteum. —peri-ost-ic (-it'ik) adj.

peri-ost-ic (pī'rē-ōs'tik) adj. 1. Situated around the ear. 2. Of or designating the bones immediately around the inner ear.

peri-ost-ic-al (pī'rē-ōs'tik-al) adj. 1. Of or relating to walking. 2. *Peripatetic*. Of or pertaining to the philosophy or methods of teaching of Aristotle. —n. 1. A person who walks from place to place; itinerant. 2. *Peripatetic*. A follower of the philosophy of Aristotle; Aristotelian. [OFr. *peripatetique* < Lat. *peripateticus* < Gk. *peripatēitikos* < *peripatein*, to walk about : peri, around + *patein*, to walk.]

peri-ost-ic-ia (pī'rē-ōs'tik-ē-ā) n. An abrupt or unexpected change in a course of events or situation, esp. in a literary work. [Gk. < *peripatein*, to change suddenly : peri, around + *piptein*, to fall.]

peri-ost-ic-ly (pī'rē-ōs'tik-ē-ly) n. *Peripeteia*.

peri-ph-er-al (pī'rē-ōr'al) adj. 1. Pertaining to, located on, or comprising the periphery. 2. Auxiliary. —n. An auxiliary device, such as a printer or plotter, that works in conjunction with a computer. —peri-ph-er-al-ly adv.

periph-er-ary (pī'rē-ōr-ē-ā) n. pl. -ies. 1. a. The outermost part or region within a precise boundary. b. The region or area immediately beyond a precise boundary. c. A zone constituting an imprecise boundary. 2. *Math.* a. A perimeter (sense 1.a.). b. The surface of a solid. 3. *Anat.* A region in

which nerves end. [ME *peripherie* < LLat. *peripheria* < Gk. *periphēra* < *periphērēs*, carrying around : peri, around + *pherein*, to carry.]

peri-ph-ra-sis (pī'rē-ōr'-sis) n. pl. -ses (-sēz). 1. The use of circumlocution. 2. A circumlocution. [Lat. < Gk. < *periphrasis*, to express periphrastically : peri, around + *phrazein*, to say.]

peri-phras-tic (pī'rē-ōr'-s'ik) adj. 1. Having the nature of or characterized by periphrasis. 2. *Gram.* Constructed by using an auxiliary word rather than an inflected form; for example, the phrases *the word of his father* and *his father did say* are periphrastic, while *his father's word* and *his father said* are inflected. —peri-phras-tic-al-ly adv.

peri-ph-y-ton (pī'rē-ōr'-tōn) n. Sessile organisms that live attached to surfaces projecting from the bottom in a freshwater aquatic environment. [NLat. < Gk. *periphytos*, planted all over : peri, around + *phuein*, to grow.]

peri-ph-er-al (pī'rē-ōr'-al) adj. *Archit.* Built with a row of columns on all sides. —n. A structure with rows of columns on all sides. [Lat. *peripteros* < Gk. : peri, around + *pteron*, wing.]

per-ique (pā-rēk') n. A strongly flavored, black tobacco grown in Louisiana and used in various blends. [Louisiana Fr.]

peri-sarc (pī'rē-s'ark) n. A horny external covering that encloses the poly colonies of certain hydrozoans. [PERI- + Gk. *sarx*, flesh.] —peri-sarc-al, peri-sarc-ous adj.

peri-scope (pī'rē-skōp') n. Any of various tubular optical instruments that contain reflecting elements, such as mirrors and prisms, to permit observation from a position displaced from a direct line of sight. —peri-scop-ic (-skōp'ik), peri-scop-ic-al adj.

perish (pī'rish) intr.v. -ished, -ish-ing, -ish-es. 1. To die, esp. in a violent or untimely manner. 2. To pass from existence; disappear gradually. 3. *Regional*. To spoil or deteriorate. [ME *perishen* < OFr. *perir*, *periss*, to perish < Lat. *perire* : peri, away + *ire*, to go.]

perish-able (pī'rē-shā-bəl) adj. Liable to perish, decay, or spoil; easily injured or destroyed. —n. Often perishables. Something, esp. foodstuff, apt to decay or spoil. —peri-shā-bil'ity, perish-able-ness n. —peri-shā-bly adv.

peris-so-dac-tyl (pī-ris'ō-dāk'tal) Zool. —adj. 1. Having an odd number of toes. 2. Of or pertaining to certain hoofed mammals, such as horses and rhinoceroses, of the order Perissodactyla, that have an odd number of toes. —n. A hoofed mammal of the order Perissodactyla. [Gk. *perissodaktulos* : *perissos*, uneven (< peri, beyond) + *daktulos*, finger.] —peris-so-dac-ty-lous (-dāk'ta-las) adj.

peri-stal-sis (pī'rē-stōl'sis, -stāl'-) n. pl. -ses (-sēz). Wave-like muscular contractions that propel contained matter along tubular organs, as in the alimentary canal. [NLat. < Gk. *peristaltikos*, peristaltic < *peristellein*, to wrap around : peri, around + *stellein*, to place.] —peri-stal-tic (-stōl'tik, -stāl'-) adj. —peri-stal-tic-al-ly adv.

peri-stome (pī'rē-stōm) n. 1. *Bot.* A circular row of tooth-like appendages surrounding the mouth of a moss capsule. 2. *Zool.* The area around the mouth in certain invertebrates. [PERI- + Gk. *stoma*, mouth.] —peri-stō-mal (-stō'mal), peri-stō-m'ial (-stō'mē-āl) adj.

peri-style (pī'rē-s'tīl) n. *Archit.* 1. A series of columns surrounding a temple or other structure, or enclosing a court. 2. A court enclosed by columns. [Fr. *peristyle* < Lat. *peristylum* < Gk. *peristulon* < *peristulos*, surrounded by columns : peri, around + *stulos*, pillar.] —peri-styl'ar (-s'tī-lar) adj.

peri-the-cium (pī'rē-thē'shē-um, -shē-um) n. pl. -cia (-shē-ā, -shē-ā). A small fruiting body in certain fungi, containing ascospores. [NLat. : PERI- + Gk. *thēkion*, dim. of *thēkē*, case.]

peri-to-neum also **peri-to-nae-um** (pī'rē-tō-nē-um) n. pl. -ne-ae also -nae-ae (-nē-ā). The membrane lining the walls of the abdominal cavity and enclosing the viscera. [LLat. < Gk. *peritoneon* < *peritonaios*, stretched across < *peritōnos*, stretched around : peri, around + *teinō*, to stretch.] —peri-tō-ne-al adj. —peri-tō-ne-al-ly adv.

peri-to-ni-tis (pī'rē-tō-nī'tis) n. Inflammation of the peritoneum.

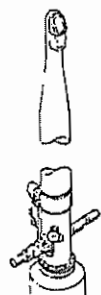
peri-trich (pī'rē-trīk) n. pl. -trich-ia (pī-rē-trī-kā). A bell-shaped or tubular microorganism of the order Peritrichida, characterized by a wide oral opening surrounded by cilia. [NLat. *Peritrichida*, order name : PERI- + Gk. *thrix*, hair.] —peri-trich-ous (pī-rē-trī-kōs) adj.

peri-wig (pī'rē-wīg) n. A wig or peruke. [Alteration of OFr. *perruque*. —see PERUKE.]

peri-win-ckle (pī'rē-wīng'kəl) n. 1. Any of several small, edible marine snails, esp. of the genus *Littorina*, having thick, cone-shaped, whorled shells. 2. The shell of any of the periwinkles. [ME **periwinkle*, prob. alteration of OE *pinewincle* : Lat. *pinna*, mussel (< Gk. *pinē*) + OE *-wincle*, snail shell.]

peri-win-ckle (pī'rē-wīng'kəl) n. Any of several trailing, evergreen plants of the genus *Vinca*, esp. *V. minor*, having glossy, dark-green leaves and blue flowers. [ME *pervenke* < OFr. *pervenche* < Lat. *pervinca*.]

per-jure (pār'jur) tr.v. -jured, -jur-ing, -jures. To render (oneself) guilty of perjury by deliberately testifying falsely under oath. [ME *perjuren* < OFr. *perjurer* < Lat. *perjurare* : per, through + *jurare*, to swear.] —per-jur'er n.



periscope
Periscope of a submarine
Above: Optical head that projects above the water
Below: Directional control and eyepiece inside the ship



peristyle



periwinkle²

p pop / r roar / s sauce / sh ship, dish / t tight / th thin, path / th this, bathe / ū cut / ūr urge / v valve / w with / y yes / z zebra, size / zh vision / o about, item, edible, gallop, circus / æ Fea, Ger. schön / ū Fr. tu, Ger. über / KH Ger. ich, Scot. loch / N Fr. bon.

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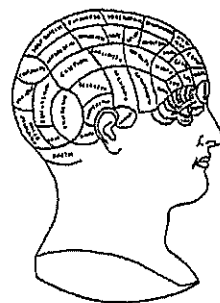
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phre-atic (frē-ā'tik) *adj.* Of or pertaining to ground water. [*< Gk. phreaz, well.*]
phren- *pref.* Variant of *phreno-*.
phre-netic (frē-nē'tik) or **phre-netic-cal** (-ī-kal) *adj.* Variants of frenetic.
-phrenia *suff.* Mental disorder: *schizophrenia*. [*< Gk. phrēn, mind.*]
phrenic (frē'nik, frē'nīk) *adj.* 1. Of or pertaining to the mind. 2. *Anat.* Of or pertaining to the diaphragm: the *phrenic nerve*. [*PHREN(O) + -ic.*]
phrenitis (frē-nī'tis) *n.* *Pathol.* 1. Inflammation of the diaphragm. 2. Frenzy; delirium. — **phrenitic** (-nī'tik) *adj.*
phreno- or **phren-** *pref.* 1. Mind: *phrenology*. 2. Diaphragm: *phrenitis*. [*< Gk. phrēn, diaphragm, mind.*]
phrenology (frē-nō'lō-jē) *n.* The study of the conformation of the skull based on a belief that it is indicative of character and mental capacity. — **phrenolog'ic** (frē'n-ō-lō'jik, frē'nō-), **phrenolog'ical** *adj.* — **phrenolog'ist** *n.*
phrensy (frē'nzē) *n.* & *v.* Variant of frenzy.
Phrygian (frī'jē-an) *adj.* Of or pertaining to Phrygia or its people, language, and culture. — *n.* 1. A native or inhabitant of Phrygia. 2. The Indo-European language of the Phrygians.
Phrygian cap *n.* A soft cap with a forward-curving peak, represented in ancient Greek art as part of the attire worn by Phrygians.
phthal-ic (thāl'ik, thāl'ik) *adj.* 1. Of, pertaining to, or derived from naphthalene. 2. Pertaining to phthalic acid. [*Short for naphthalic: NAPHTH(A) + AL(COOL) + -ic.*]
phthalic acid *n.* A colorless, crystalline organic acid, C₈H₆(COOH)₂, prepared from naphthalene and used in the synthesis of dyes, perfumes, and other organic compounds.
phthalic anhydride *n.* A white, crystalline compound, C₈H₄(CO)₂O, prepared by oxidizing naphthalene and used in the manufacture of phthalates and other dyes, resins, plasticizers, and insecticides.
phthalin (thāl'in, thāl'in) *n.* Any of various colorless compounds derived from the reduction of phthalates.
phthalocyanine (thāl'ō-sī'nēn, thāl'ō-) *n.* Any of several stable, light-fast, blue or green organic pigments derived from the basic compound (C₈H₄C₂N₂)₂N₄ and used in enamels, printing inks, linoleum, and plastics. [*PHTHAL(IC) + CYANINE.*]
phthiriasis (thī'rī-ā-sis, thī-) *n.* Infestation with lice; pediculosis. [*Lat. < Gk. phtheiriāsis: phtheir, louse + -iasis, -iasis.*]
phthisic (thī'zīk) *n.* 1. Variant of *phthisis*. 2. *Archaic.* Asthma. [*ME phthisic < OFr. thisique < Lat. phthisicus, consumptive < Gk. phthisikos < phthisis, phthisis.*] — **phthisic** *adj.*
phthisis (thī'zīs) also **phthisic** (thī'zīk) *n.* 1. Tuberculosis of the lungs; pulmonary tuberculosis. 2. A wasting away or emaciation and atrophy of the body or part of the body. [*Lat. < Gk. < phthinein, to waste away.*]
phyc- *pref.* Seaweed; *phycology*. [*< Gk. phukas, seaweed.*]
phycobilin (fī'kō-bī'līn) *n.* Any of a group of water-soluble pigments that occur in some algae. [*PHYCO- + Lat. bilis, bile + -in.*]
phycocyanin (fī'kō-sī'ō-nīn) *n.* A blue phycobilin that occurs in the cells of blue-green algae.
phycocerythrin (fī'kō-ē-rī-thrīn) *n.* A red phycobilin that occurs in the cells of red algae.
phycology (fī'kō-lō-jē) *n.* The branch of botany concerned with the study of seaweeds and algae. — **phycolog'ical** (fī'kō-lō'jik) *adj.* — **phycolog'ist** *n.*
phycomyces (fī'kō-mī'sēt, -mī-sēt) *n.* Any of various fungi that resemble algae, including certain molds and mildews. [*NLat. Phycomyces, class name: PHYCO- + MYCETE.*] — **phycomyces'ous** *adj.*
phyla (fī'lā) *n.* Plural of *phylum*.
phylactery (fī-lāk'tē-rē) *n., pl. -ies*. 1. *Judaism.* Either of two small leather boxes, each containing strips of parchment inscribed with quotations from the Hebrew Scriptures, one of which is strapped to the forehead and the other to the left arm by observant Jewish men during morning worship, except on Sabbath and holidays. 2. a. An amulet. b. A reminder. [*ME filakterie < LLat. phylacterium < Gk. phylaktērion, phylactery, safeguard < phylaktēr, guard < phulassein, to guard.*]
phylaxis (fī-lāk'sis) *n.* Inhibiting of infection by the body. [*Gk. phylaxis, act of guarding < phulassein, to guard.*] — **phylactic** (-lāk'tik) *adj.*
phyle (fī'lē) *n., pl. -lae* (-lē). A large citizens' organization, based on kinship, constituting the largest political subdivision of an ancient Greek city-state. [*Gk. phulē, tribe.*] — **phyleic** *adj.*
phylogenetic (fī-lō'jē'tik) *adj.* Of or pertaining to phylogeny or phylogenetic development. [*< NLat. phylēsis, course of evolutionary development < Gk. phulon, race.*] — **phylogētic'ally** *adv.*
phyll- *pref.* Variant of *phyllo-*.

-phyll *suff.* Leaf: *sporophyll*. [*< Gk. phyllon, leaf.*]
phyl-lite (fī'līt) *n.* A green, gray, or red metamorphic rock, similar to slate but often having a wavy surface and a distinctive micaceous luster.
phyllo- or **phyll-** *pref.* Leaf: *phylloid*. [*< Gk. phyllon, leaf.*]
phyllo-clade (fī'lō-klād) also **phyllo-clad** (-klād) *n.* A flattened branch or stem that performs the functions of a leaf, as in some cacti. [*NLat. phyllocladum: PHYLLO- + Gk. klados, branch.*]
phyllo-de (fī'lō'dē) also **phyllo-di-um** (fī-lō'dē-am) *n., pl. -iodes* also *-iodes* (-lō'dē-ō). A flattened leafstalk that serves as a leaf. [*< Gk. phyllōdos, like leaves: phyllon, leaf + eidos, shape.*] — **phyllo-di-al** *adj.*
phyllo-id (fī'lō'id) *adj.* Resembling a leaf; leaflike.
phyllo-me (fī'lō'mē) *n.* A leaf or a plant structure that functions as a leaf. — **phyllo-mic** (fī-lō'mīk, -lōm'ik) *adj.*
phyllophagous (fī-lō'fō-gas) *adj.* Feeding on leaves.
phyllo-pod (fī'lō-pōd) *n.* Any of various crustaceans of the order Phyllopoda, having swimming and respiratory appendages that resemble leaves. — *adj.* Also **phyllo-podous** (fī-lō'pō-dos). 1. Possessing leaflike feet. 2. Of or relating to the phyllopods. [*NLat. Phyllopoda, order name: PHYLLO- + -pod.*] — **phyllo-pod-an** (fī-lō'pō-dan) *adj. & n.*
phyllo-tax-y (fī'lō-tāks'ē) also **phyllo-tax-is** (fī'lō-tāks'is) *n.* 1. The arrangement of leaves on a stem. 2. The principles governing leaf arrangement. [*NLat. phylloaxis: PHYLLO- + -axis.*] — **phyllo-tac'tic** (-tākt'ik), **phyllo-tac'tic'ally** *adj.*
-phyllous *suff.* Having a specified kind or number of leaves: *gamophyllous*. [*NLat. -phyllus < Gk. phyllon, leaf.*]
phyllox-era (fī'lōks'ēr-ā, fī-lōks'ēr-ō) *n., pl. -era* (-rē). Any of several small insects of the genus *Phylloxera*, esp. *P. vitifoliae*, a widely distributed species very destructive to grape crops. [*NLat. Phylloxera, genus name: PHYLLO- + Gk. xēros, dry.*] — **phyllox-eran** *adj. & n.*
phyllogeny (fī-lō'jē-nē) *n., pl. -nies*. 1. The evolutionary development of a species of plant or animal. 2. The historical development of a tribe or racial group. [*Gk. phylon, race, class + -geny.*] — **phyllo-genetic** (fī-lō-jē-nē'tik), **phyllo-genetic'ally** *adv.*
phylum (fī'lōm) *n., pl. -ia* (-lē). 1. *Biol.* A taxonomic division of the animal kingdom or, less commonly, the plant kingdom, next above a class in size. 2. *Ling.* A large division of genetically related families of languages or linguistic stocks. [*NLat. < Gk. phulon, class.*]
physi- *pref.* Variant of *physio-*.
phys-i-atics (fīz'ē-ā'tīks) *n.* (used with a sing. verb). *Med.* Physical therapy.
phys-i-atrist (fīz'ē-ā'trīst) *n.* *Med.* A physician who specializes in physical medicine or physical therapy.
phys-i-atry (fīz'ē-ā'trē) *n.* *Med.* Physical therapy.
physic (fīz'ik) *n.* 1. A medicine or drug. 2. A cathartic. 3. *Archaic.* The profession of medicine. — *tr.v.* -icked, -ick-ing, -ics. 1. *Archaic.* To treat with or as if with medicine. 2. To act upon as a cathartic. 3. To cure or heal. [*ME phisik < OFr. fisque, medical science, natural science < Lat. physica < Gk. phusikē, fem. of phusikos, of nature < phusis, nature.*]
phys-i-cal (fīz'ī-kal) *adj.* 1. Of or pertaining to the body, as distinguished from the mind or spirit; bodily; corporeal: *physical strength*. 2. Of or pertaining to material things: *physical environment*. 3. Of or pertaining to matter and energy or the sciences dealing with them, esp. physics. — *n.* A physical examination. [*ME physikal, medical < Med. Lat. physialis < Lat. physica, physics. — see PHYSICS.*] — **phys-i-cally** *adv.*
physical anthropology *n.* The science of human evolutionary biology, racial variation, and classification. — **physical anthropologist** *n.*
physical chemistry *n.* The scientific analysis of the properties and behavior of chemical systems primarily by physical theory and technique as, for example, the thermodynamic analysis of macroscopic chemical phenomena.
physical education *n.* Education in the care and development of the human body, stressing athletics and including hygiene.
physical examination *n.* A medical examination to detect illness or dysfunction and esp. to determine physical fitness for a specified activity or service.
physical geography *n.* The study of the structure and phenomena of the earth's surface, esp. in its current aspects, including land formation, climate, currents, and distribution of flora and fauna.
phys-i-cal-ism (fīz'ī-kā-līz'm) *n.* *Philos.* The doctrine that all phenomena can be described in spatiotemporal terms and consequently that any descriptive scientific statement can in principle be reduced to an empirically verifiable physical statement. — **phys-i-cal-ist** *n.* — **phys-i-cal-istic** *adj.*
physical medicine *n.* The branch of medicine that diagnoses and treats disease by essentially physical means, including manipulation, massage, and exercise, often with mechanical devices, and the application of heat, cold, electricity, radiation, and water.
physical science *n.* Any of the sciences, such as physics, chemistry, astronomy, and geology, that analyze the nature and properties of energy and nonliving matter.
physical therapy *n.* The treatment of disease and injury by



phrenology
Diagram showing location on the human head of brain segments believed to control various characteristics



phylactery

p pop / t roar / s saucer / sh ship, dish / t tight / th thin, path / th this, bathe / ū cut / ūr urge / v valve / w with / y yes / z zebra, size / zh vision / ə about, item, edible, gallop, circus / æ Fr. feu, Ger. schön / ū Fr. tu, Ger. über / KH Ger. ich, Scot. loch / N Fr. bon.